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सं. 33 ] नई दिल्ली, अगस्त 10—अगस्त 16, 2003, शनिवार/श्रावण 19—श्रावण 25, 1925  
No. 33 ] NEW DELHI, AUGUST 10—AUGUST 16, 2003, SATURDAY/SRAVANA 19—SRAVANA 25, 1925

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके  
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)  
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं  
Statutory Orders and Notifications Issued by the Ministries of the Government of India  
(Other than the Ministry of Defence)

मंत्रिमंडल सचिवालय

नई दिल्ली, 6 अगस्त, 2003

का.आ. 2302.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, कर्नाटक राज्य सरकार की अधिसूचना सं. एचडी 143 पीसीआर 2003, दिनांक 26-7-2003 द्वारा प्राप्त कर्नाटक राज्य सरकार की सहमति से श्रीमती इस्थर सरोजिनी अलैक्स, वरिष्ठ अनुभाग पर्यवेक्षक, इन्दिरा नगर एक्सचेंज (इंटरनल), बीएसएनएल, बंगलौर और किन्हीं अन्य लोक सेवकों अथवा व्यक्तियों के विरुद्ध भ्रष्टाचार निवारण अधिनियम, 1988 (1988 का अधिनियम सं. 49) की धारा 9, 13 (2) संपठित धारा 13(1) (डी) के अधीन दंडनीय अपराधों और उपर्युक्त अपराधों में से एक अथवा अधिक से संबंधित अथवा संसक्त प्रयत्नों, दुष्प्रेरणों और षड्यंत्र तथा उसी संव्यवहार के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत किसी अन्य अपराध और अपराधों के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण कर्नाटक राज्य पर करती है।

[ सं. 228/70/2003-डी.एस.पी.ई. ]

शुभा ठाकुर, अवर सचिव

CABINET SECRETARIAT

New Delhi, the 6th August, 2003

S.O. 2302.—In exercise of the powers conferred by Sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of State Government of Karnataka, vide Notification No. HD 143 PCR 2003 dated 26-7-2003, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Karnataka for investigation of offences against Smt. Esther Sarojini Alex, Sr. Section Supervisor, Indira Nagar Exchange (Internal), BSNL, Bangalore and any other public servants or persons punishable under Section 9, 13(2) read with 13(1)(d) of Prevention of Corruption Act, 1988 (Act No. 49 of 1988) and attempts, abetments and conspiracy in relation to or in connection with one or more of the offence mentioned above and any other offence and offences committed in the course of the same transaction or arising out of the same facts.

[No. 228/70/2003-D\$PE]

SHUBHA THAKUR, Under Secy.

**वित्त मंत्रालय**  
(आर्थिक कार्य विभाग)  
(बैंकिंग प्रभाग)

नई दिल्ली, 1 अगस्त, 2003

का. आ. 2303.— भारतीय निर्यात-आयात बैंक अधिनियम, 1981 (1981 का 28) की धारा 6 की उपधारा (1) के खंड (ड) के उपखण्ड (झ) के अनुसरण में केन्द्रीय सरकार, एतद्वारा, श्री राजीव सिकरी, अपर सचिव (ईआर), विदेश मंत्रालय, नई दिल्ली को श्री शशांक के स्थान पर भारतीय निर्यात-आयात बैंक में निदेशक के रूप में नामित करती है।

[फा. सं. 24(1)/2003-आई एफ-1]

अतुल कुमार राय, निदेशक

**MINISTRY OF FINANCE**  
(Department of Economic Affairs)  
(Banking Division)

New Delhi, the 1st August, 2003

S.O. 2303.— In pursuance of Sub-clause (i) of clause (c) of Sub-section (1) of Section 6 of Export Import of India Act, 1981 (28 of 1981), the Central Government hereby nominates Shri Rajiv Sikri, Additional Secretary (ER), Ministry of External Affairs, New Delhi as a Director on the Board of Directors of the Export Import Bank of India Vice Shri Shashank.

[F.No. 24(1)/2003-IF-1]

ATUL KUMAR RAI, Director

**स्वास्थ्य और परिवार कल्याण मंत्रालय**  
(स्वास्थ्य विभाग)

नई दिल्ली, 6 अगस्त, 2003

का. आ. 2304.— दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 3 के खंड (ड) के अनुसरण में हरियाणा सरकार ने डॉ. एच. के. वर्मा को भारतीय दंत चिकित्सा परिषद् का सदस्य नामनिर्दिष्ट किया है।

2. और, दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 3 के खंड (घ) के अनुसरण में डॉ. राम मनोहर लोहिया अवध विश्वविद्यालय, फैजाबाद (उत्तर प्रदेश) की सीनेट ने डॉ. के. के. मेहरोत्रा को भारतीय दंत चिकित्सा परिषद् का सदस्य निर्वाचित किया है; और, पाण्डिचेरी विश्वविद्यालय, पाण्डिचेरी के विश्वविद्यालय कोर्ट ने डॉ. श्याम सिंह, प्रिंसिपल, महात्मा गांधी दंत चिकित्सा कालेज और अस्पताल, पाण्डिचेरी को भारतीय दंत चिकित्सा परिषद् का सदस्य निर्वाचित किया है।

3. अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) के साथ पठित धारा 3 के खंड (ड) के अनुसरण में, भारत सरकार के स्वास्थ्य और परिवार कल्याण मंत्रालय (स्वास्थ्य विभाग)

की अधिसूचना सं. का.आ. 430, तारीख 24 जनवरी, 1984 में एतद्वारा निम्नलिखित संशोधन करती है, अर्थात् :—

क्रम संख्या 15 के समक्ष निम्नलिखित प्रविष्टियां प्रतिस्थापित की जाएंगी, अर्थात् :—

15. डॉ. एच.के. वर्मा,	नाम—	हरियाणा	1-4-2003
डेंटल सर्जन,	निर्दिष्ट	सरकार	
वर्मा क्लीनिक,			
एस.सी.ओ. सं. 141,			
रेड स्कवैयर मार्केट,			
हिसार।			

4. और, उक्त अधिनियम की धारा 6 की उपधारा (1) के साथ पठित धारा 3 के खंड (घ) के अनुसरण में भारत सरकार उक्त अधिसूचना में एतद्वारा निम्नलिखित संशोधन करती है, अर्थात् :—

(i) क्रम संख्या 31 और उससे संबंधित प्रविष्टि के पश्चात् निम्नलिखित क्रम संख्या और प्रविष्टि जोड़ी जाएंगी, अर्थात् :—

32. डॉ. के.के. मेहरोत्रा,	निर्वाचित	डॉ. राम	27-1-2003
डीन, फैकल्टी		मनोहर	
आफ डेंटल साइंसेज		लोहिया	
एंड प्रिंसिपल कैरियर		अवध	
डेंटल कालेज,		विश्व-	
लखनऊ।		विद्यालय।	

(ii) क्रम संख्या 25 के समक्ष निम्नलिखित प्रविष्टियां प्रतिस्थापित की जाएंगी :—

25. डॉ. श्याम सिंह,	निर्वाचित	पाण्डिचेरी	17-1-2003
प्रिंसिपल,		विश्व-	
महात्मा गांधी		विद्यालय।	
डेंटल कालेज और			
अस्पताल,			
पाण्डिचेरी।			

[सं. वी. 12013/5/2003-पी.एम.एस.]

एस. के. राव, निदेशक

**MINISTRY OF HEALTH AND FAMILY WELFARE**  
(Department of Health)

New Delhi, the 6th August, 2003

S.O. 2304.—Whereas, in pursuance of clause (e) of Section 3 of the Dentists Act, 1948 (16 of 1948), the Government of Haryana has nominated Dr. H. K. Verma to be member of the Dental Council of India.

2. And, whereas, in pursuance of clause (d) of Section 3 of the Dentists Act, 1948 (16 of 1948), the Senate of the Dr. Ram Manohar Lohia Avadh University, Faizabad (UP) has elected Dr. K.K. Mehrotra to be member of the Dental Council of India; And, the University Court of the Pondicherry University, Pondicherry has elected Dr. Shyam Singh, Principal, Mahatma Gandhi Dental College &

Hospital, Pondicherry to be member of the Dental Council of India.

3. Now, therefore in pursuance of clause (e) of Section 3 read with Sub-section (1) of Section 6 of the said Act, the Central Government hereby makes the following amendments in the notification of the Government of India, in the Ministry of Health and Family Welfare (Department of Health) No. S.O. 430 dated 24th January, 1984, namely :

Against Serial No. 15 the following entries shall be substituted :

15. Dr. H.K. Verma, Nominated Dental Surgeon, Verma Clinic, SCO No. 141, Red Square Market, Hissar.	Haryana 14-2003 Government
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4. And, in pursuance of clause (d) of Section 3 read with Sub-section (1) of Section 6 of the said Act, the Central Government hereby makes the following amendments in the said notification, namely :

(i) After Serial No. 31 and the entry relating thereto, the following Serial No. and entry shall be added, namely :

32. Dr. K.K. Mehrotra, Elected Dean, Faculty of Dental Sciences and Principal, Career Dental College, Lucknow.	Dr. Ram Manohar Lohia Avadh University 27-03-2003
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(ii) Against Serial No. 25 the following entries shall be substituted :

25. Dr. Shyam Singh, Elected Principal, Mahatma Gandhi Dental College & Hospital, Pondicherry.	Pondicherry University 17-01-2003
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[No. V-12013/5/2003-PMS]

S.K. RAO, Director

### सूचना और प्रसारण मंत्रालय

नई दिल्ली, 4 अगस्त, 2003

का. आ. 2305.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में दूरदर्शन महानिदेशालय (सूचना और प्रसारण मंत्रालय) के निम्नलिखित अधीनस्थ कार्यालयों, जिनके 80% से अधिक कर्मचारी-वृन्द ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है :—

1. दूरदर्शन अनुरक्षण केन्द्र, भागलपुर
2. दूरदर्शन अल्प शक्ति प्रेषित्र, भागलपुर
3. दूरदर्शन अल्प शक्ति प्रेषित्र, मुंगेर
4. दूरदर्शन अल्प शक्ति प्रेषित्र, गोड्डा
5. दूरदर्शन अल्प शक्ति प्रेषित्र, खगड़िया
6. दूरदर्शन अल्प शक्ति प्रेषित्र, बेगूसराय
7. दूरदर्शन अल्प शक्ति प्रेषित्र, लखीसराय
8. दूरदर्शन अल्प शक्ति प्रेषित्र, सिकन्दरा
9. दूरदर्शन अल्प शक्ति प्रेषित्र, बडहरवा
10. दूरदर्शन अल्प शक्ति प्रेषित्र, बांका
11. दूरदर्शन उच्च शक्ति प्रेषित्र, जबलपुर
12. दूरदर्शन उच्च शक्ति प्रेषित्र, भुज
13. दूरदर्शन उच्च शक्ति प्रेषित्र, बूंदी
14. दूरदर्शन अनुरक्षण केन्द्र, ग्वालियर
15. दूरदर्शन अनुरक्षण केन्द्र, पठानकोट
16. दूरदर्शन अल्प शक्ति प्रेषित्र, पठानकोट
17. दूरदर्शन अल्प शक्ति प्रेषित्र, गुरदासपुर
18. दूरदर्शन उच्च शक्ति प्रेषित्र, औरंगाबाद
19. दूरदर्शन अनुरक्षण केन्द्र, पिलानी
20. दूरदर्शन अल्प शक्ति प्रेषित्र, पिलानी
21. दूरदर्शन अल्प शक्ति प्रेषित्र, चिड़वा
22. दूरदर्शन अल्प शक्ति प्रेषित्र, झुझनू
23. दूरदर्शन अल्प शक्ति प्रेषित्र, चुरू
24. दूरदर्शन अल्प शक्ति प्रेषित्र, राजगढ़
25. दूरदर्शन अल्प शक्ति प्रेषित्र, तारानगर
26. दूरदर्शन अल्प शक्ति प्रेषित्र, खेतड़ी
27. दूरदर्शन अल्प शक्ति प्रेषित्र, कोटपुतली
28. दूरदर्शन अल्प शक्ति प्रेषित्र, नारनौल
29. दूरदर्शन अल्प शक्ति प्रेषित्र, भिवानी
30. दूरदर्शन अल्प शक्ति प्रेषित्र, महेन्द्रगढ़
31. दूरदर्शन अल्प शक्ति प्रेषित्र, नवलगढ़
32. दूरदर्शन अनुरक्षण केन्द्र, भावनगर
33. दूरदर्शन अल्प शक्ति प्रेषित्र, भावनगर
34. दूरदर्शन अल्प शक्ति प्रेषित्र, अमरेली
35. दूरदर्शन अल्प शक्ति प्रेषित्र, पालीताना
36. दूरदर्शन अल्प शक्ति प्रेषित्र, महुवा
37. दूरदर्शन अल्प शक्ति प्रेषित्र, दोव
38. दूरदर्शन अल्प शक्ति प्रेषित्र, ऊना
39. दूरदर्शन अल्प शक्ति प्रेषित्र, राजुला
40. दूरदर्शन अल्प शक्ति प्रेषित्र, धारी
41. दूरदर्शन अल्प शक्ति प्रेषित्र, धंधुका
42. दूरदर्शन अल्प शक्ति प्रेषित्र, बोटाद
43. दूरदर्शन अनुरक्षण केन्द्र, कोल्हापुर
44. दूरदर्शन अल्प शक्ति प्रेषित्र, कोल्हापुर
45. दूरदर्शन अल्प शक्ति प्रेषित्र, इचलकरंजी
46. दूरदर्शन अल्प शक्ति प्रेषित्र, मांगली
47. दूरदर्शन अल्प शक्ति प्रेषित्र, रत्नागिरि

48. दूरदर्शन अल्प शक्ति प्रेषित्र, कनकावली
49. दूरदर्शन अल्प शक्ति प्रेषित्र, देवरूख
50. दूरदर्शन अल्प शक्ति प्रेषित्र, राजापुर
51. दूरदर्शन अनुरक्षण केन्द्र, चंद्रपुर
52. दूरदर्शन अनुरक्षण केन्द्र, अहमदाबाद
53. दूरदर्शन अल्प शक्ति प्रेषित्र, अंबाजी
54. दूरदर्शन अल्प शक्ति प्रेषित्र, भाभर
55. दूरदर्शन अल्प शक्ति प्रेषित्र, डीसा
56. दूरदर्शन अल्प शक्ति प्रेषित्र, इडर
57. दूरदर्शन अल्प शक्ति प्रेषित्र, लिमडी
58. दूरदर्शन अल्प शक्ति प्रेषित्र, महेसाणा
59. दूरदर्शन अल्प शक्ति प्रेषित्र, मीडासा
60. दूरदर्शन अल्प शक्ति प्रेषित्र, पाटन
61. दूरदर्शन अल्प शक्ति प्रेषित्र, पालनपुर
62. दूरदर्शन अल्प शक्ति प्रेषित्र, राघवपुर
63. दूरदर्शन अल्प शक्ति प्रेषित्र, शामलाजी
64. दूरदर्शन अल्प शक्ति प्रेषित्र, थराद

[सं. ई-11017/4/2002-हिन्दी]

समय सिंह कटारिया, निदेशक (राजभाषा)

#### MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 4th August, 2003

**S.O. 2305.**— In pursuance of Sub-Rule (4) of Rule 10 of the Official Language (use for Official Purposes of the Union) Rule, 1976, the Central Government hereby notifies the following subordinate offices of D G: Doordarshan (Ministry of Information and Broadcasting), more than 80% of the staff whereof have acquired the working knowledge of Hindi :—

1. Doordarshan Maintenance Center, Bhagalpur
2. Doordarshan Low Power Transmitter, Bhagalpur
3. Doordarshan Low Power Transmitter, Munger
4. Doordarshan Low Power Transmitter, Godda
5. Doordarshan Low Power Transmitter, Khagaria
6. Doordarshan Low Power Transmitter, Begusaray
7. Doordarshan Low Power Transmitter, Lakhisaray
8. Doordarshan Low Power Transmitter, Sikandra
9. Doordarshan Low Power Transmitter, Barharwa
10. Doordarshan Low Power Transmitter, Banka
11. Doordarshan High Power Transmitter, Jabalpur
12. Doordarshan High Power Transmitter, Bhuj
13. Doordarshan High Power Transmitter, Bundi
14. Doordarshan Maintenance Centre, Gwalior
15. Doordarshan Maintenance Centre, Pathankot
16. Doordarshan Low Power Transmitter, Pathankot
17. Doordarshan Low Power Transmitter, Gurdaspur
18. Doordarshan High Power Transmitter, Aurangabad
19. Doordarshan Maintenance Centre, Pilani

20. Doordarshan Low Power Transmitter, Pilani
21. Doordarshan Low Power Transmitter, Chidawa
22. Doordarshan Low Power Transmitter, Jhunjhunu
23. Doordarshan Low Power Transmitter, Churu
24. Doordarshan Low Power Transmitter, Rajgarh
25. Doordarshan Low Power Transmitter, Taranagar
26. Doordarshan Low Power Transmitter, Khetri
27. Doordarshan Low Power Transmitter, Kotputali
28. Doordarshan Low Power Transmitter, Narnaul
29. Doordarshan Low Power Transmitter, Bhiwani
30. Doordarshan Low Power Transmitter, Mahendragarh
31. Doordarshan Low Power Transmitter, Navalgarh
32. Doordarshan Maintenance Centre, Bhavnagar
33. Doordarshan Low Power Transmitter, Bhavnagar
34. Doordarshan Low Power Transmitter, Amreli
35. Doordarshan Low Power Transmitter, Palitana
36. Doordarshan Low Power Transmitter, Mahuva
37. Doordarshan Low Power Transmitter, Diu
38. Doordarshan Low Power Transmitter, Una
39. Doordarshan Low Power Transmitter, Rajula
40. Doordarshan Low Power Transmitter, Dhari
41. Doordarshan Low Power Transmitter, Dhandhuka
42. Doordarshan Low Power Transmitter, Botad
43. Doordarshan Maintenance Centre, Kolhapur
44. Doordarshan Low Power Transmitter, Kolhapur
45. Doordarshan Low Power Transmitter, Echalkaranji
46. Doordarshan Low Power Transmitter, Sangali
47. Doordarshan Low Power Transmitter, Ratnagiri
48. Doordarshan Low Power Transmitter, Kankawali
49. Doordarshan Low Power Transmitter, Devrukh
50. Doordarshan Low Power Transmitter, Rajapur
51. Doordarshan Maintenance Centre, Chandrapur
52. Doordarshan Maintenance Centre, Ahmedabad
53. Doordarshan Low Power Transmitter, Ambajee
54. Doordarshan Low Power Transmitter, Bhabhar
55. Doordarshan Low Power Transmitter, Deesa
56. Doordarshan Low Power Transmitter, Idar
57. Doordarshan Low Power Transmitter, Limdi
58. Doordarshan Low Power Transmitter, Mahesana
59. Doordarshan Low Power Transmitter, Meedasa
60. Doordarshan Low Power Transmitter, Patan
61. Doordarshan Low Power Transmitter, Palanpur
62. Doordarshan Low Power Transmitter, Radhavpur
63. Doordarshan Low Power Transmitter, Shamlaji
64. Doordarshan Low Power Transmitter, Tharad.

[F. No. E-11017/4/2002-Hindi]

S. S. KATARIA, Director (O.L.)



**नागर विमानन मंत्रालय**

नई दिल्ली, 5 अगस्त, 2003

का. आ. 2306.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग), नियम 1976 के नियम 10 के उप-नियम (4) के अनुसरण में, नागर विमानन मंत्रालय के संबद्ध कार्यालय नागर विमानन सुरक्षा ब्यूरो (मुख्यालय) के कोलकाता स्थित कार्यालय—क्षेत्रीय सुरक्षा उपायुक्त (नागर विमानन) का कार्यालय, नागर विमानन सुरक्षा ब्यूरो, नेताजी सुभाष चन्द्र बोस अंतरराष्ट्रीय हवाई अड्डा, कोलकाता-700052 को, जिसके 80 प्रतिशत से अधिक कर्मचारी-वृन्द ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

[सं. ई-11011/01/2000-रा.भा.]

चन्द्र भान नारनौली, निदेशक (राजभाषा)

**MINISTRY OF CIVIL AVIATION**

New Delhi, the 5th August, 2003

S.O. 2306.—In pursuance of Sub-Rule (4) of Rule 10 of the Official Languages (Use for the Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies the Office of the Regional Security Dy. Commissioner (CA), Bureau of Civil Aviation Security, Netaji Subhash Chandra Bose International Airport, Kolkata-52 of the Bureau of Civil Aviation Security (Hqrs.) an Attached Office of Ministry of Civil Aviation, whereof, more than 80% staff have acquired the working knowledge of Hindi.

[No. E. 11011/01/2000-OL.]

C.B. NARNAULI, Director (O.L.)

**संचार एवं सूचना प्रौद्योगिकी मंत्रालय**

(दूरसंचार विभाग)

नई दिल्ली, 4 अगस्त, 2003

का. आ. 2307.—केन्द्रीय सरकार, सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेदखली) अधिनियम 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत के राजपत्र, भाग-II, खण्ड-3, उपखण्ड (ii) तारीख 28 मई, 1977 के पृष्ठ 1916 से 1921 पर प्रकाशित भारत सरकार के पूर्व संचार मंत्रालय (डाक-तार बोर्ड) की अधिसूचना सं. का.आ. 1576, तारीख 12 मई, 1977 का निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अधिसूचना के नीचे सारणी में :—

(क) क्रम सं. 18 तथा उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित क्रम संख्या और प्रविष्टियां रखी जाएंगी, अर्थात् :—

- “18 सहायक महाप्रबंधक, महाराष्ट्र और गोवा राज्यों तथा महाप्रबंधक का कार्यालय, दमन व दीव संघ राज्य क्षेत्र में दूरसंचार मुंबई स्थित महाप्रबंधक दूरसंचार, महाराष्ट्र सर्किल के प्रशासनिक नियंत्रणाधीन स्थान।”;

(ख) क्रम सं. 62 और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित क्रम संख्या और प्रविष्टियां रखी जाएंगी, अर्थात् :—

- “62 सहायक महाप्रबंधक राजकोट राजस्व जिला के (प्रशासन), महाप्रबंधक अंतर्गत स्थित महाप्रबंधक का कार्यालय, दूरसंचार दूरसंचार, जिला राजकोट के जिला राजकोट प्रशासनिक नियंत्रणाधीन स्थान।”;

(ग) क्रम सं. 104 के बाद और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित क्रम संख्या और प्रविष्टियां रखी जाएंगी, अर्थात् :—

- “105 सहायक महाप्रबंधक मुख्य महाप्रबंधक, महानगर (मुख्यालय और संपदा), टेलीफोन निगम लिमिटेड, महाप्रबंधक (प्रशासन) मुंबई के प्रशासनिक का कार्यालय, महानगर नियंत्रणाधीन महानगर टेलीफोन निगम लिमिटेड, लिमिटेड, मुंबई मुंबई, थाणे और नवी मुंबई के क्षेत्राधिकार के भीतर स्थित स्थान।”।

[सं. 4-26/2001-संपदा]

के.एम.आई. यूसफ, निदेशक (कर्मचारी संबंध)

पाद टिप्पणी : मुख्य अधिसूचना क्रम संख्या 1576 दिनांक 12-5-77 द्वारा प्रकाशित की गई थी जिसे तदुपरांत निम्नलिखित द्वारा संशोधित किया गया :

- (i) का. आ. सं. 3574 दिनांक 30-10-78
- (ii) का. आ. सं. 4620 दिनांक 14-11-83
- (iii) का. आ. सं. 3017 दिनांक 19-10-87
- (iv) का. आ. सं. 2853 दिनांक 26-10-92
- (v) का. आ. सं. 980 दिनांक 28-4-93
- (vi) का. आ. सं. 1798 दिनांक 16-5-97
- (vii) का. आ. सं. 316 दिनांक 13-1-99

**MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY**

(Department of Telecommunications)

New Delhi, the 4th August, 2003

S.O. 2307.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971. (40 of 1971), the Central Government hereby makes the following further amendments in the notification of Government of India in the erstwhile Ministry of Communications (Posts and Telegraphs Board) No. S.O. 1576, dated 12 May, 1977, published at pages 1916 to 1921 of the Gazette of India Part II Section-3, Sub-section (ii), dated 28th May, 1977, namely :—

In the Table below the said Notification :—

- (a) for Serial number 18 and the entries relating thereto,

the following Serial number and entries shall be substituted, namely :—

- “18. Assistant General Manager, Office of the General Manager, Telecommunications Mumbai. Premises under the administrative control of General Manager Telecommunications, Maharashtra Circle, situated in the State of Maharashtra, the State of Goa and Union Territory of Daman and Diu.”;

(b) for Serial number 62 and the entries relating thereto, the following Serial number and entries shall be substituted, namely :—

- “62 Assistant General Manager, (Administration) office of the General Manager, Telecommunications District Rajkot. Premises under the administrative control of General Manager Telecommunications, District Rajkot, situated within Rajkot, Revenue District”;

(c) after Serial number 104 and the entries relating thereto, the following Serial number and entries relating thereto shall be inserted, namely :—

- “105 Assistant General Manager, (Head Quarter and Estate), Office of the General Manager (Administration), Mahanagar Telephone Nigam Limited, Mumbai. Premises within the territorial jurisdiction of Mahanagar Telephone Nigam Limited, Mumbai, Thane and Navi Mumbai under the administrative control of the Chief General Manager, Mahanagar Telephone Nigam Limited, Mumbai.”.

[No. 4-26/2001-Estates]

K.M.I. YUSUF, Director (Staff Relations)

Foot Note : The Principal Notification was published vide Serial number 1576 dated 12-5-77 subsequently amended vide :

- (i) S.O. No. 3574 dated 30-10-78
- (ii) S.O. No. 4620 dated 14-11-83
- (iii) S.O. No. 3017 dated 19-10-87
- (iv) S.O. No. 2853 dated 26-10-92
- (v) S.O. No. 980 dated 28-4-93
- (vi) S.O. No. 1798 dated 16-5-97
- (vii) S.O. No. 316 dated 13-1-99

विद्युत मंत्रालय

नई दिल्ली, 23 जुलाई, 2003

का. आ. 2308.—केन्द्रीय सरकार, राजभाषा (संच के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में पावरग्रिड कारपोरेशन ऑफ इंडिया लि., नई दिल्ली

तथा सतलुज जल विद्युत निगम लि., शिमला के नियंत्रणाधीन निम्नलिखित कार्यालयों को, जिसके 80 प्रतिशत कर्मचारी-वृन्द ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, एतद्वारा अधिसूचित करती है :

1. पावरग्रिड कारपोरेशन ऑफ इंडिया लि.  
400 के. वी. जबलपुर उप केन्द्र,  
सूखा गांव के पास, पाटन रोड,  
जबलपुर-482 002 (म. प्र.)
2. नाथपा बांध परिसर क्षेत्र,  
सतलुज जल विद्युत निगम, लि.,  
नाथपा झाकड़ी जल विद्युत परियोजना,  
डाक घर—नाथपा, जिला—शिमला, (हिमाचल प्रदेश)
3. झाकड़ी जल विद्युत परियोजना,  
सतलुज जल विद्युत निगम, लि.,  
नाथपा झाकड़ी जल विद्युत परियोजना,  
डाक घर—झाकड़ी, जिला—शिमला, (हिमाचल प्रदेश)
4. सतलुज जल विद्युत निगम लि.,  
चम्बाघाट, सोलन, (हिमाचल प्रदेश)

[सं. 11017/2/94-हिन्दी]

अजय शंकर, संयुक्त सचिव

## MINISTRY OF POWER

New Delhi, the 23rd July, 2003

S.O. 2308.—In pursuance of Sub-Rule (4) of Rule 10 of the Official Language (Use for Official Purposes of the Union) Rule, 1976, the Central Government hereby notifies the following offices of the Public Sector Undertakings under the administrative control of Powergrid Corporation of India Ltd., New Delhi and Satluj Jal Vidyut Nigam Ltd., Shimla, the staff whereof have acquired 80% working knowledge of Hindi :

1. Powergrid Corporation of India Ltd.,  
400 KV Jabalpur Sub Station,  
Near Sukha Village, Paten Road,  
Jabalpur-482 002 (M.P.).
2. Nathapa Dam Complex Area,  
Satluj Jal Vidyut Nigam Ltd.,  
Nathapa Jhakri Hydro Electric Project,  
Post Office—Nathapa, Distt. Shimla,  
(Himachal Pradesh).
3. Jhakri Hydroelectric Project,  
Satluj Jal Vidyut Nigam Ltd.,  
Nathapa Jhakri Hydro Electric Project,  
Post Office—Jhakri, Distt. Shimla,  
(Himachal Pradesh).
4. Satluj Jal Vidyut Nigam Ltd.,  
Chambaghat, Solan,  
(Himachal Pradesh).

[No. 11017/2/94-Hindi]

AJAY SHANKAR, Jt. Secy.

## उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

( उपभोक्ता मामले विभाग )

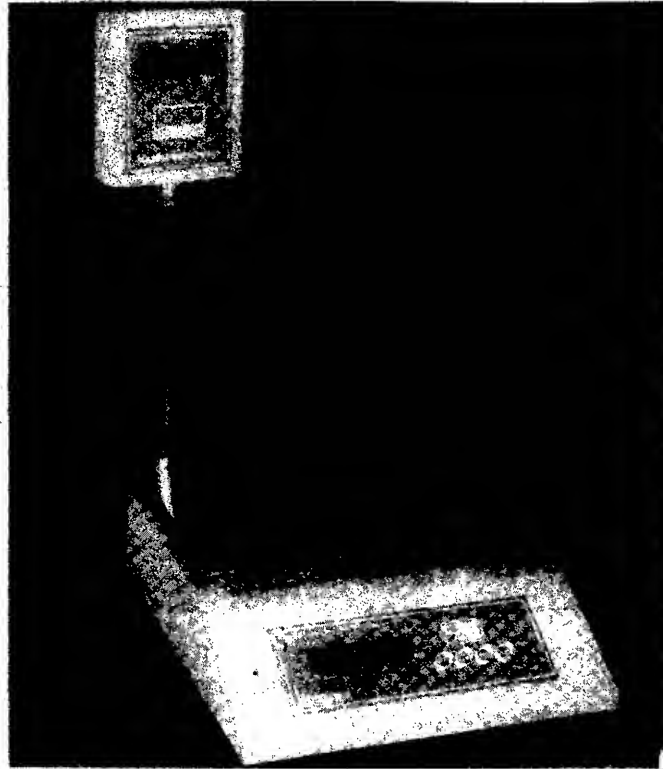
नई दिल्ली, 8 अगस्त, 2003

का.आ. 2309.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केंद्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स विनायक इंस्ट्रुमेंट्स, 4 नारायण टैक्सटाइल मिल कंपाउंड, पेट्रोल पम्प के सामने, सी टी एम चाररास्ता, अहमदाबाद द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग 2) वाले "वी आई एस" शृंखला के अस्वचालित-तोलन उपकरण (टेबल टाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "विजन" है (जिसे इसमें माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/125 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

उक्त मॉडल (आकृति देखें) उच्च यथार्थता वर्ग (यथार्थता वर्ग 2) का भार सेल के सिद्धान्त पर कार्य करने वाला अंकक सूचन सहित विकृतमापी भार सेल आधारित अस्वचालित (टेबल टाप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 11 कि. ग्रा. और न्यूनतम क्षमता 50 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 1 ग्रा. है। प्रदर्श यूनिट प्रकाश उत्सर्जक डायोड (एल ई डी) प्रकार का है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्प लगाने वाली प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए मुद्रांकन किया जाता है।



और केंद्रीय सरकार उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी शृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 कि. ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान अंतराल (एन) की संख्या 1 मि. ग्रा. से 50 मि. ग्रा. के "ई" मान के लिए 100 से 50000 की रेंज में है और सत्यापन मापमान अंतराल (एन) की संख्या 1 मि. ग्रा. या अधिक के "ई" मान के लिए 5000 से 50,000 की रेंज में है तथा जिनका "ई" मान  $1 \times 10^6$ ,  $2 \times 10^6$ , या  $5 \times 10^6$  के है जिसमें के धनात्मक या ऋणात्मक पूर्णांक हैं या शून्य के समतुल्य है।

[फा.सं. डब्ल्यू. एम.-21(108)/2001]

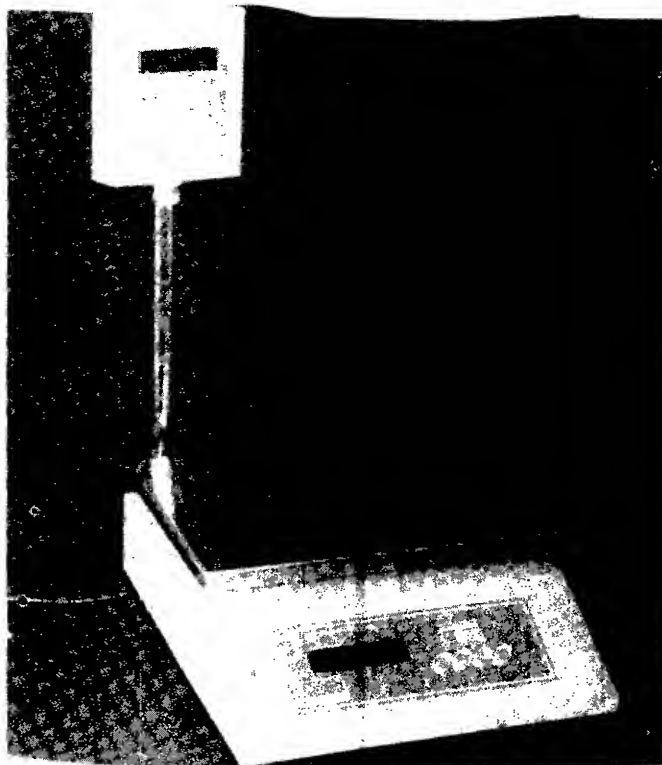
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

**MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION****(Department of Consumer Affairs)**

New Delhi, the 8th August, 2003

S.O. 2309.— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of Model of, non-automatic weighing instrument (table top type) with "VIS" series belonging to high accuracy (accuracy class-II) and with brand name "VISION" (herein referred to as the Model), manufactured by M/s Vinayak Instruments, 4, Narayan Textile Mill Compound, Opp. Petrol Pump, C.T.M. Charrasta, Ahmedabad and which is assigned the approval mark IND/09/2003/125;



The said Model (See the figure) is a strain gauge type load cell based non automatic weighing instrument (table top type) working on the principle of load cell with digital indication of maximum capacity 11kg. minimum capacity 50g. and belonging to high accuracy class (accuracy class-II). The value of verification scale interval, 'e' is 1g. The display unit is of light emitting diode (LED) type. The instrument operates on 230V, 50Hz alternative power supply. In addition to sealing the stamping plate, sealing is done to prevent opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of the said Section, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg. and with number of verification scale interval(n) in the range of 100 to 50000 for 'e' value of 1 mg. to 50 mg. and with the number of verification scale interval (n) in the range 5000 to 50000 for 'e' value of 100mg. or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$ , or  $5 \times 10^k$  k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21(108)/2001]

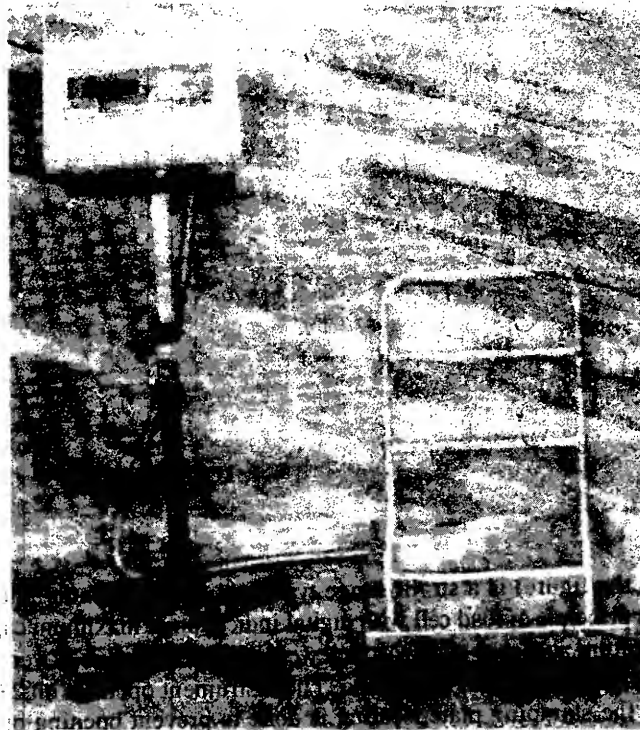
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 8 अगस्त, 2003

का.आ. 2310.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स विनायक इस्टिमेटर्स, 4 नारायण टैक्सटाइल मिल कंपाउंड, पेट्रोल पम्प के सामने, सी टी एम चारास्ता, अहमदाबाद द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग 3) वाले "वी आई एस" शृंखला के अस्थिचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "विजय" है (जिसे इसमें मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/126 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

उक्त मॉडल (आकृति देखें) मध्यम यथार्थता वर्ग (यथार्थता वर्ग 3) का भार सेल के सिद्धांत पर कार्य करने वाला अंकक सूचन सहित विकृतमापी भार सेल आधारित अस्थिचालित (प्लेटफार्म प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 50 कि. ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 ग्रा. है। प्रदर्श यूनिट प्रकाश उत्सर्जक डायोड (एल ई डी) प्रकार का है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



और केन्द्रीय सरकार उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी शृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 कि. ग्रा. और 150 कि. ग्रा. की रेंज के बीच है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, और जिसके सत्यापन मापमान अंतराल (एन) की संख्या 100 मि. ग्रा. से 2 ग्रा. के "ई" मान के लिए 100 से 10000 की रेंज में है और सत्यापन मापमान अंतराल (एन) की संख्या 5 ग्रा. या अधिक के "ई" मान के लिए 500 से 10,000 की रेंज में है, तथा जिनका "ई" मान  $1 \times 10^4$ ,  $2 \times 10^4$ , या  $5 \times 10^4$  के है जिसमें के धनात्मक या ऋणात्मक पूर्णांक हैं या शून्य के समतुल्य है।

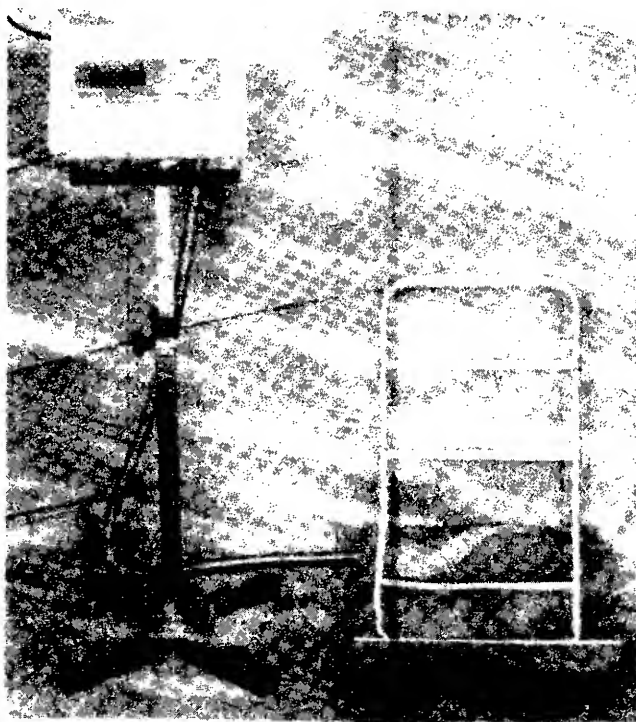
[फा.सं. डब्ल्यू. एम.-21(108)/2001]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 8th August, 2003

**S.O. 2310.**— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of, non-automatic weighing instrument (Platform type) with "VIS" series belonging to medium accuracy (accuracy class-III) and with brand name "VISION" (herein referred to as the Model), manufactured by M/s Vinayak Instruments, 4, Narayan Textile Mill Compound, Opp. Petrol Pump, C.T.M. Charrasta, Ahmedabad and which is assigned the approval mark IND/09/2003/126;



The said Model (See the figure) is a strain gauge type load cell based non-automatic weighing instrument (Platform type) working on the principle of load cell with digital indication of maximum capacity 50kg, minimum capacity 100g and belonging to medium accuracy class (accuracy class-III). The value of verification scale interval, 'e' is 5g. The display unit is of light emitting diode (LED) type. The instrument operates on 230V, 50Hz alternative power supply. In addition to sealing the stamping plate, sealing is done to prevent opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of the said Section, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with capacity ranging between 50kg and 150kg and with number of verification scale interval(n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g and with the number of verification scale interval (n) in the range 500 to 10000 for 'e' value of 5g or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$ , or  $5 \times 10^k$ , 'k' being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[F. No. WM-21(108)/2001]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

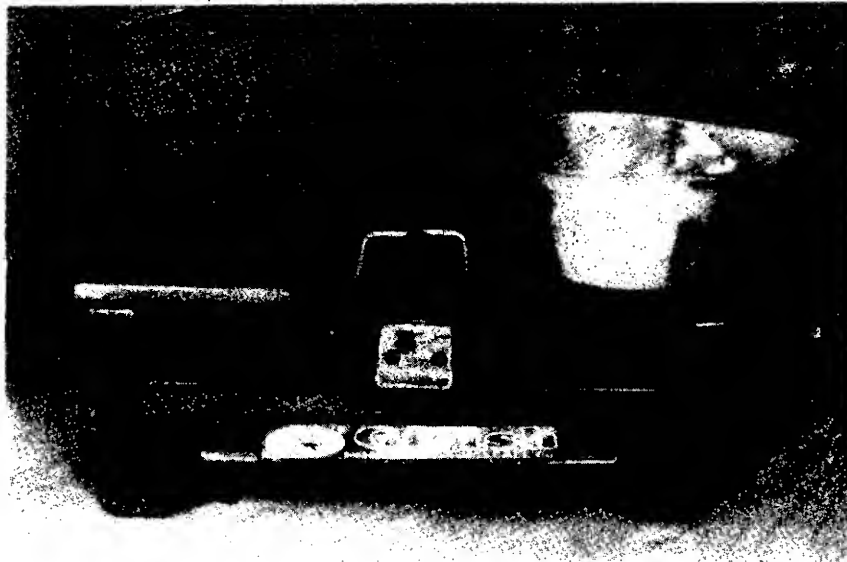


नई दिल्ली, 8 अगस्त, 2003

का.आ. 2311.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स गिरीश स्केल कं. जमादरपारा, चामुण्डा निवास, सावरकुण्डला -364515 (गुजरात) द्वारा विनिर्मित काउंटर मशीन के मॉडल का, जिसके ब्रांड का नाम "गिरीश स्केल कं." है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/57 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

उक्त मॉडल (आकृति देखें) काउंटर मशीन है। इसकी अधिकतम क्षमता 5 कि. ग्रा. है।



और केंद्रीय सरकार उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी शृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 500 ग्रा. से 50 कि. ग्रा. की रेंज में है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है।

[फा.सं. डब्ल्यू. एम.-21(275)/2002]

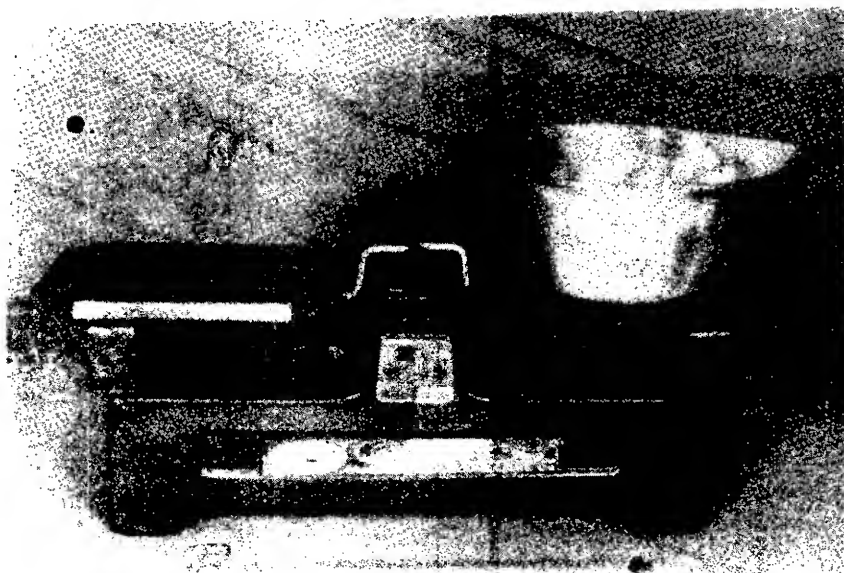
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 8th August, 2003

S.O. 2311.— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions.

Now, therefore, in exercise of the powers conferred by sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of Counter Machine with brand name Girish Scale Co., (herein referred to as the Model), manufactured by M/s Girish Scale Co., Jamadarpara, Chamunda Niwas, Savarkundla-364515 (Gujarat) and which is assigned the approval mark IND/09/03/57.

The said Model (See the figure) is a Counter Machine. The maximum capacity is 5 kg.



Further, in exercise of the powers conferred by sub-section (12) of the said Section, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instrument of similar make, accuracy and performance of same series with capacity ranging from 500g to 50kg manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[F. No. WM-21(275)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

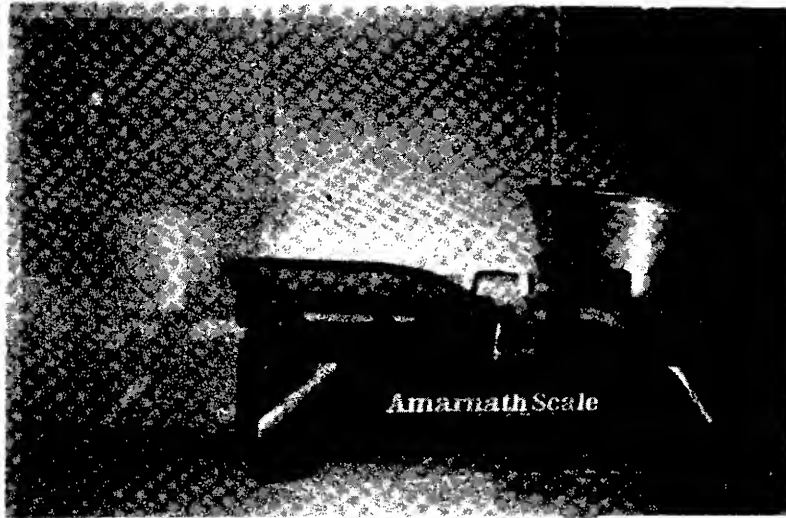


नई दिल्ली, 8 अगस्त, 2003

का.आ. 2312.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबन्धों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केंद्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स अमरनाथ स्केल, शिवाजी नगर, माथवाणी की वाडी, सावरकुण्डला-364515 (गुजरात) द्वारा विनिर्मित काउंटर मशीन के मॉडल का, जिसके ब्रांड का नाम "अमरनाथ स्केल" है (जिसे इसमें मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/03/47 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक काउंटर मशीन है। इसकी अधिकतम क्षमता 10 कि. ग्रा. है।



और केंद्रीय सरकार उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी शृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 500 ग्रा. से 50 कि. ग्रा. की रेंज में है, और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है।

[फा.सं. डब्ल्यू. एम.-21(210)/2002]

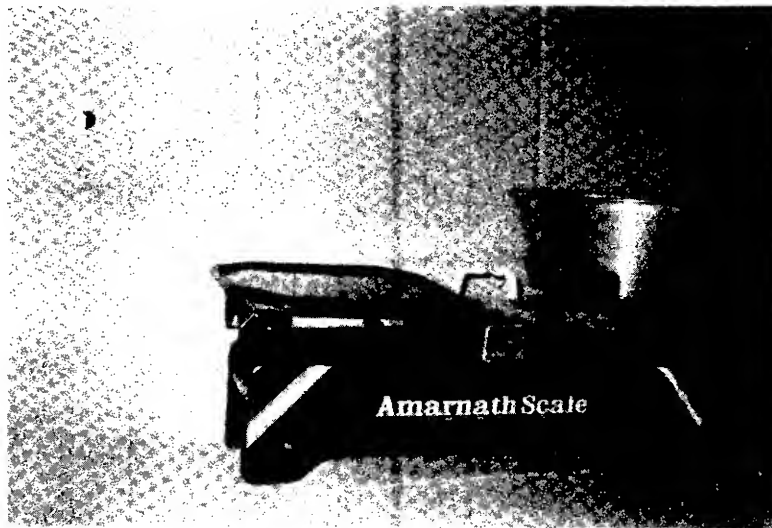
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 8th August, 2003

**S. O. 2312.**— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of Counter Machine with brand name Amarnath Scale, (herein referred to as the Model), manufactured by M/s Amarnath Scale, Shivajinagar, Madhavani Ki Wadi, Savarkundla-364515 (Gujarat) and which is assigned the approval mark IND/09/03/47;

The said Model (See the figure) is a Counter Machine. The maximum capacity is 10 kg.



Further, in exercise of the powers conferred by Sub-section (12) of the said Section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instruments of similar make accuracy and performance of same series with capacity ranging from 500 g to 50 kg manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[F. No. WM-21(210)/2002]

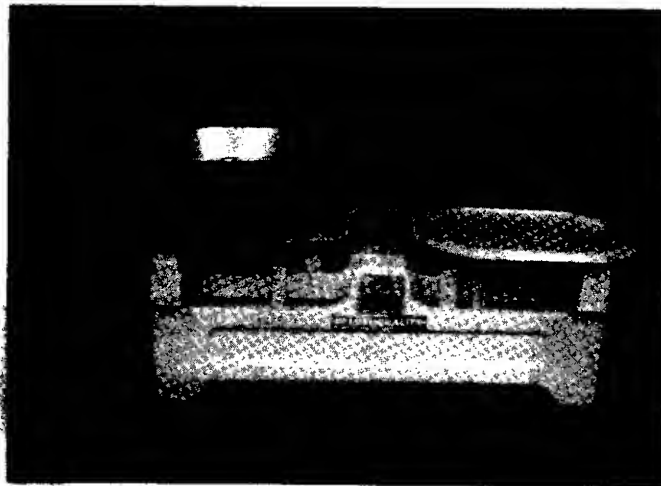
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 8 अगस्त, 2003

का.आ. 2313.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स डोडिया हरजीवनदास जादवजी, 9 शिवाजी नगर, सावरकुण्डला-364515 (गुजरात) द्वारा विनिर्मित काउंटर मशीन के माडल का, जिसके ब्रांड का नाम "हरजीवनदास जादवजी" है (जिसे इसमें माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/03/45 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

उक्त मॉडल (आकृति देखें) एक काउंटर मशीन है। इसकी अधिकतम क्षमता 5 कि. ग्रा. है।



और, केंद्रीय सरकार उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी श्रृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 500 ग्रा. से 50 कि. ग्रा. की रेंज में है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित माडल का विनिर्माण किया गया है।

[ फा.सं. डब्ल्यू. एम.-21(165)/2002 ]

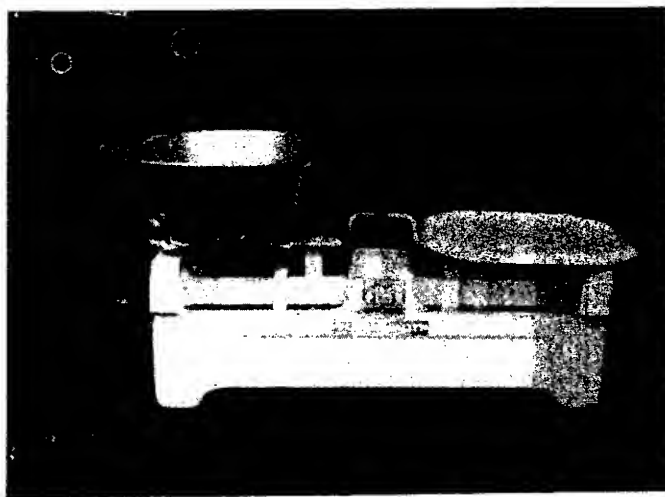
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 8th August, 2003

S.O. 2313.— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of Counter Machine with brand name Harjivandas Jadvji, (herein referred to as the Model), manufactured by M/s. Dodia Harjivandas Jadvji, 9, Shivajinagar, Savarkundla-364515 (Gujarat) and which is assigned the approval mark IND/09/03/45;

The said Model (See the figure) is a Counter Machine. The maximum capacity is 5 kg.



Further, in exercise of the power conferred by Sub-section (12) of the said Section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with capacity ranging from 500 g to 50 kg manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which the approved Model has been manufactured.

[F. No. WM-21(165)/2002]

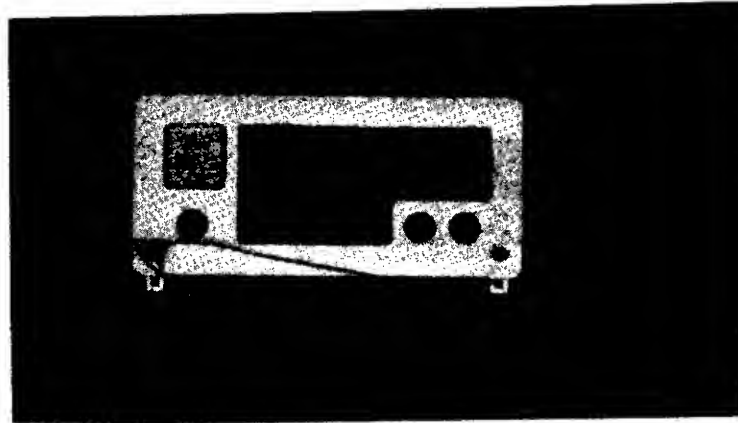
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 8 अगस्त, 2003

का. आ. 2314.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स प्रिंसीजन इलेक्ट्रॉनिक इंस्ट्रुमेंट कं., 77 स्वरन पार्क, मुंडका, नई दिल्ली-110041 द्वारा विनिर्मित "जी ई एम टी ए" शृंखला के अंकक सूचन सहित टैक्सी मीटर के माडल का, जिसके ब्रांड का नाम 'गोल्डटेक' है (जिसे इसमें मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/88 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

सीलिंग :— स्टाम्प लगाने वाली प्लेट के अतिरिक्त पल्स जनरेटर, केबल संयोजक तथा मुख्य किराया मीटर पर भी अनाचार के लिए उन्हें खोलने से रोकने के लिए मुद्रांकन किया गया है।



यह मॉडल (आकृति देखें) एक टैक्सी मीटर है जिसमें दूरी और समय मापक युक्ति सहित अंकक सूचन समाविष्ट है। यह निरंतर योग करता है तथा यात्रा के किसी क्षण में यात्री द्वारा संदेह प्रभार उपदर्शित करता है। तय की गई दूरी और लगे समय की कतिपय गति से नीचे के अनुसार संदेह किराया मीटर का कार्य है। मीटर का पठन सात खण्डीय प्रकाश उत्सर्जक डायोड द्वारा उपदर्शित की जाती है।

[ फा.सं. डब्ल्यू एम-21(339)/2001 ]

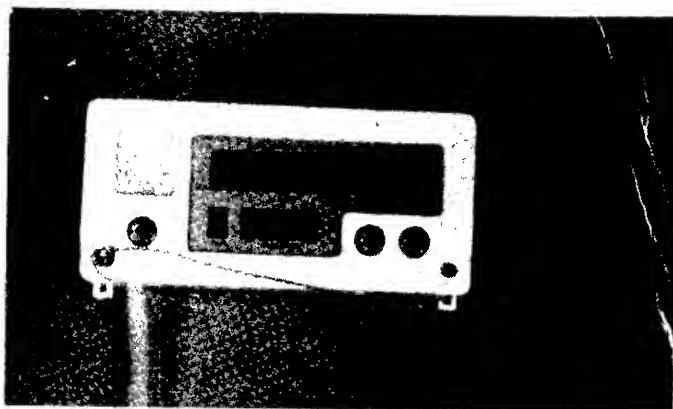
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 8th August, 2003

**S.O. 2314.**— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of a Taxi Meter with digital indication of GEM-TA series with brand name "GOLDTECH" (herein referred to as the Model), manufactured by M/s. Precision Electronic Instrument Co., 77 Swaran Park, Mundaka, New Delhi-110041 and which is assigned the approval mark IND/09/2003/88;

**SEALING :—** In addition to the stamping plate, sealing has also to be done on the pulse generator, cable connector and the main fare meter to prevent their opening for malpractice.



The Model (see the figure) is a Taxi Meter with digital indication incorporated with a distance and time measuring device. It totalizes continuously and indicates at any moment of the journey, the charges payable by the passenger. The fare to pay is a function of the distance traveled below a certain speed and of the length of the time occupied. The reading of the meter is indicated by seven segment Light Emitting Diode (LED).

[F. No. WM-21(339)/2001]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 8 अगस्त, 2003

का. आ. 2315.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबन्धों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स मेट्रो स्केल इंडस्ट्रीज, शिवाजी नगर, सावरकुण्डला-364515 (गुजरात) द्वारा विनिर्मित यांत्रिक काउंटर मशीन के मॉडल का, जिसके ब्रांड का नाम “मेट्रो स्केल” है (जिसे इसमें उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी 09/2003/74 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

उक्त मॉडल (नीचे दी गई आकृति देखें) एक यांत्रिक काउंटर मशीन है। इसकी अधिकतम क्षमता 10 कि. ग्रा. है;



और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी शृंखला के उसी मेक, यथार्थता और कार्यपालन वाली ऐसी यांत्रिक काउंटर मशीन भी होंगी जिनकी क्षमता 500 ग्राम से 50 कि.ग्रा. के रेंज में है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित उक्त मॉडल का विनिर्माण किया गया है।

[फा.सं. डब्ल्यू. एम. 21(16)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 8th August, 2003

**S.O. 2315.**— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-section (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of mechanical counter machine (herein referred to as the said Model), with brand name 'Metro Scale' manufactured by M/s. Metro Scale Industries, Shivaji Nagar, Savarkundla-364515 (Gujarat) and which is assigned the approval mark IND/09/2003/74;

The said Model (See the figure given below) is a mechanical counter machine with maximum capacity of 10 kg.



Further, in exercise of the power conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the model shall also cover the mechanical counter machines of similar make, accuracy and performance said with maximum capacity in the range of 500g to 50kg, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which the said approved model has been manufactured.

[F. No. WM-21(16)/2002]

P. A. KRISHNAMOORTHY, Director, Legal Metrology



नई दिल्ली, 8 अगस्त, 2003

का. आ. 2316.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स आर. के. स्केल, शिवाजी नगर, सावरकुण्डला-364515 (गुजरात) द्वारा विनिर्मित काउंटर मशीन के मॉडल का, जिसके ब्रांड का नाम "आर. के. स्केल" है (जिसे इसमें मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/03/76 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक काउंटर मशीन है। इसकी अधिकतम क्षमता 10 कि. ग्रा. है।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी श्रृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिसकी अधिकतम क्षमता 500 ग्रा. से 50 कि. ग्रा. की रेंज में है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है।

[फा.सं. डब्ल्यू. एम. 21(201)/2002]

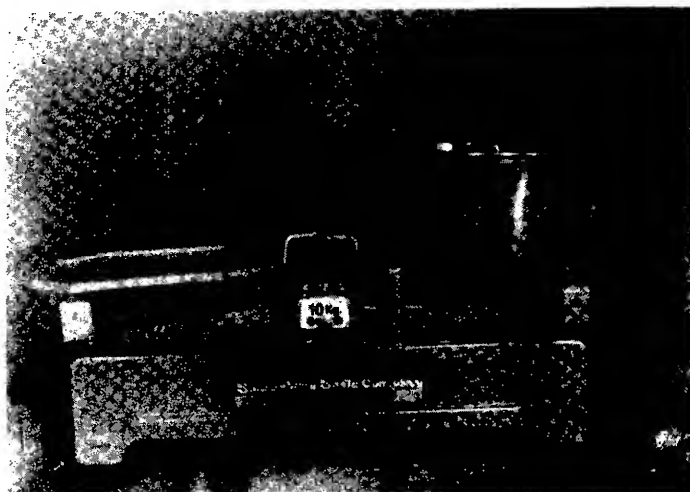
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 8th August, 2003

**S.O. 2316.**— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (See the figure given below ) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of Counter Machine with brand name RK Scale (herein referred to as the said model) Manufactured by M/s. R. K. Scale, Shivajinagar, Savarkundla-364515 (Gujarat) and which is assigned the approval mark IND/09/03/76;

The said model (See the figure given below) is a Counter Machine. The maximum capacity is 10 kg.



Further, in exercise of the power conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with capacity ranging from 500g to 50kg, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which the said approved model has been manufactured.

[F. No. WM-21(201)/2002]

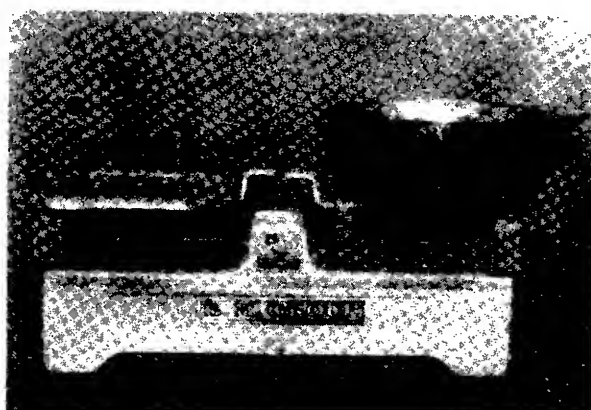
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 8 अगस्त, 2003

का. आ. 2317.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स भूपत्रई मणिलाल ग्रुप सायरकुण्डला-364515 (गुजरात) द्वारा विनिर्मित काउंटर मशीन के माडल का, जिसके ब्रांड का नाम "बी एम ग्रुप" है (जिसे इसमें मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/03/61 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

उक्त मॉडल (आकृति देखें) एक काउंटर मशीन है। इसकी अधिकतम क्षमता 5 कि. ग्रा. है।



और, केन्द्रीय सरकार उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी शृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 500 ग्रा. से 50 कि. ग्रा. की रेंज में है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित माडल का विनिर्माण किया गया है।

[ फा. सं. डब्ल्यू एम-21(306)/2002 ]

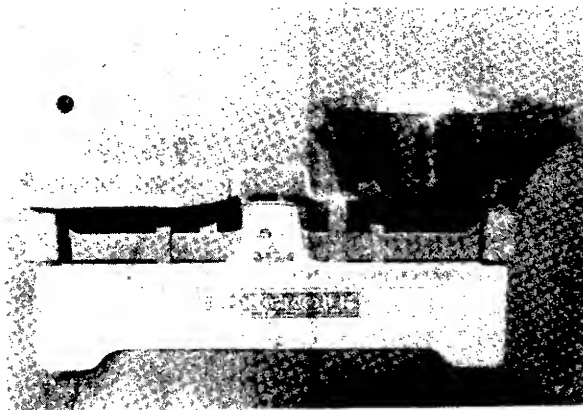
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 8th August, 2003

**S.O. 2317.**— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (See the figure given below ) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of Counter Machine with brand name BM Group. (hereinreferred to as the model) Manufactured by M/s. Bhupatrai Manilal Group, Savarkundla-364515 (Gujarat) and which is assigned the approval mark IND/09/03/61;

The said model (See the figure) is a Counter Machine. The maximum capacity is 5 kg.



Further, in exercise of the powers conferred by Sub-section (12) of the said Section, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instruments of similar make, accuracy and performance of same series with capacity ranging from 500g to 50kg, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which the approved model has been manufactured.

[F. No. WM-21(306)/2002]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

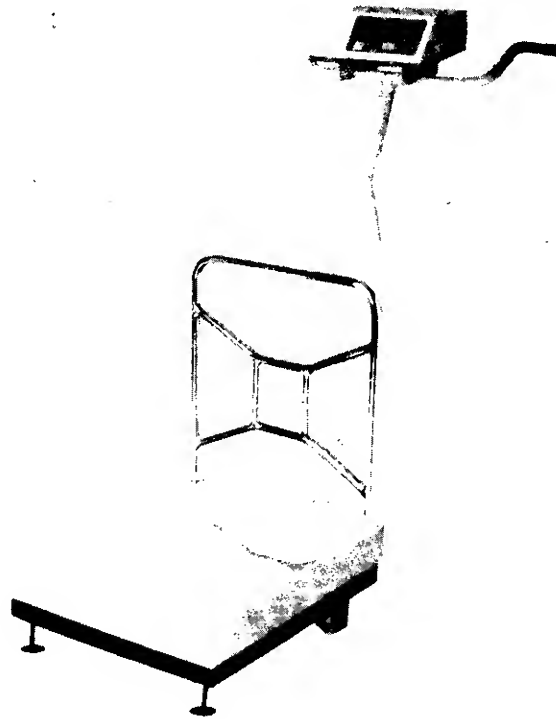
नई दिल्ली, 8 अगस्त, 2003

का.आ. 2318.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एक्सप्रो इंडस्ट्रीज, 36, अय्यामुदाली स्ट्रीट, चित्तोद्रीपेट, चेन्नई-600002 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग 3) वाले “ई एक्स-पी डब्ल्यू एच” शृंखला के अस्वचालित अंकक सूचन सहित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम “एक्सप्रो” है (जिसे इसमें उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी 09/03/52 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

उक्त मॉडल (नीचे दी गई आकृति देखें) एक अस्वचालित (प्लेटफार्म प्रकार) है। इसकी अधिकतम क्षमता 150 कि. ग्रा. और न्यूनतम क्षमता 400 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 20 ग्रा. है। प्रकाश उत्सर्जक डायोड प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है;

स्टाम्प लगाने वाली प्लेट को मुद्रांकित करने के अतिरिक्त मशीन को इसके कपटपूर्ण प्रयोग के लिए खोलने से रोकने के लिए भी मुद्रांकित किया जाता है।



और, केंद्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत, उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 300 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान  $1 \times 10^*$ ,  $2 \times 10^*$  या  $5 \times 10^*$  के हैं जो धनात्मक या ऋणात्मक पूर्णांक हैं या शून्य के समतुल्य हैं।

[ फा. सं. डब्ल्यू. एम-21(158)/2002 ]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

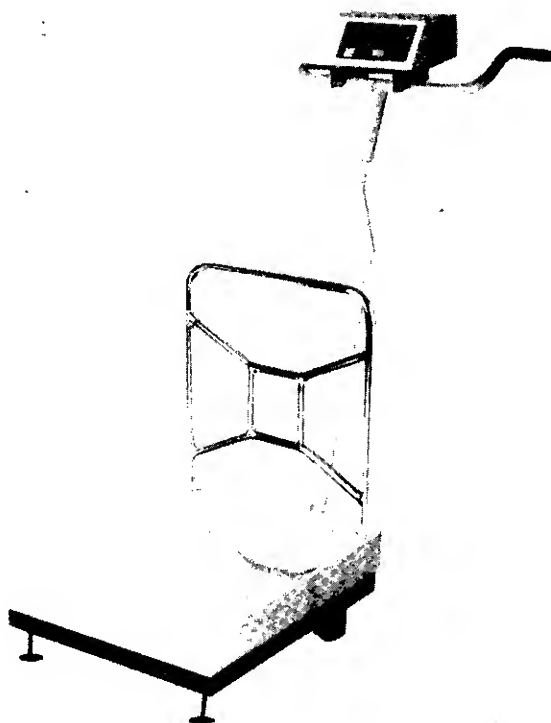
New Delhi, the 8th August, 2003

**S.O. 2318.**— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the non-automatic Weighing instrument (Platform type) with digital indication belonging to Medium accuracy (accuracy class III) of EX-PWH series with brand name “EXPRO” (herein referred to as the said Model) manufactured by M/s. Expro Industries, 36, Iyya Mudali Street, Chintadripet, Chennai-600 002 and which is assigned the approval mark IND/09/03/52;

The said model (See the figure given below) is a non-automatic weighing instrument (Platform type). The maximum capacity is 150kg. and minimum capacity 400 g. The value of verification scale interval (e) is 20 g. The light emitting diode display indicates the weighing result. The instrument operates on 230 Volts, 50 hertz alternate current power supply.

In addition to sealing the stamping plate, the machine is also sealed to prevent its opening for fraudulent practices.



Further, in exercise of the powers conferred by Sub-section (12) of the said Section, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 300 kg. with verification scale interval (n) in the range of 500 to 10,000 for ‘e’ value of 5g. or more and with ‘e’ value of  $1 \times 10^k$ ,  $2 \times 10^k$ , or  $5 \times 10^k$ , k, being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21(158)/2002]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

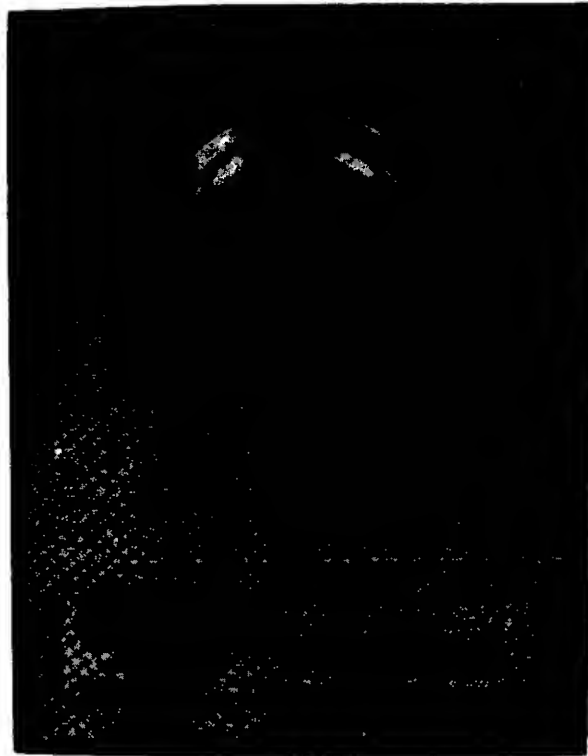
नई दिल्ली, 8 अगस्त, 2003

का.आ. 2319.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स यूनिक स्केल, डी-7/7, भारादन नगर, मुंबई-400064 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग 2) वाले “यू. एस.” शृंखला के स्वतः सूचक, अस्वचालित, अंकक सूचन सहित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “यूनिक स्केल” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/115 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है;

उक्त मॉडल (आकृति देखें) दाब गेज भार सेल आधारित प्रकार का तोलन उपकरण है। इसकी अधिकतम क्षमता 120 ग्रा. और न्यूनतम क्षमता 200 मि. ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 10 मि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

सील लगाना : स्टाम्पिंग प्लेट को सील बन्द करने के अतिरिक्त कपटपूर्ण व्यवहार के लिए मशीन को खोलने से रोकने के लिए सीलबन्द भी किया गया है।



और, केन्द्रीय सरकार उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत, उसी शृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 कि. ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिसके अनुमोदित मॉडल का विनिर्माण किया गया है और जिनके सत्यापन मापमान अंतराल (एन) की अधिकतम संख्या 1 मि. ग्रा. से 50 मि. ग्रा. के “ई” मान के लिए 100 से 50,000 की रेंज में है और सत्यापन मापमान अन्तराल (एन) की संख्या 100 मि. ग्रा. और अधिक के “ई” मान के लिए 5000 से 50,000 की रेंज में है तथा जिनका “ई” मान  $1 \times 10^6$ ,  $2 \times 10^6$  या  $5 \times 10^6$  है जिसमें के घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[ फा.सं. डब्ल्यू. एम. 21(122)/2001 ]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 8th August, 2003

**S.O. 2319.**— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of the self-indicating, non-automatic (Table top type) weighing instrument with digital indication of "US" series of High accuracy (Accuracy class II) and with brand name "UNIQUE SCALES" (hereinafter referred to as the said model), manufactured by M/s. Unique Scale, D-7/7, Bharadan Nagar, Mumbai-400064 and which is assigned the approval mark IND/09/2003/115;

The said model (figure given) is a strain gauge type based load cell weighing instrument with a maximum capacity of 120g. and minimum capacity of 200 mg. The verification scale interval (e) is 10mg. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode display indicates the weighing result. The instrument operates on 230 volts and 50 Hertz alternate current power supply;

**Sealing :** In addition to sealing stamping plate, sealing is also done to prevent opening of the machine for fraudulent practices.



Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instrument similar make, accuracy and performance of same series with maximum capacity upto 50 kg. with number of verification scale interval (n) in the range of 100 to 50 000 for 'e' value 1mg. to 50mg. and with number of verification scale interval in the range of 5000 to 50,000 and for 'e' value of 100mg. or more and with 'e' value  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(122)/2001]

P. A. KRISHNAMOORTHY, Director, Legal Metrology



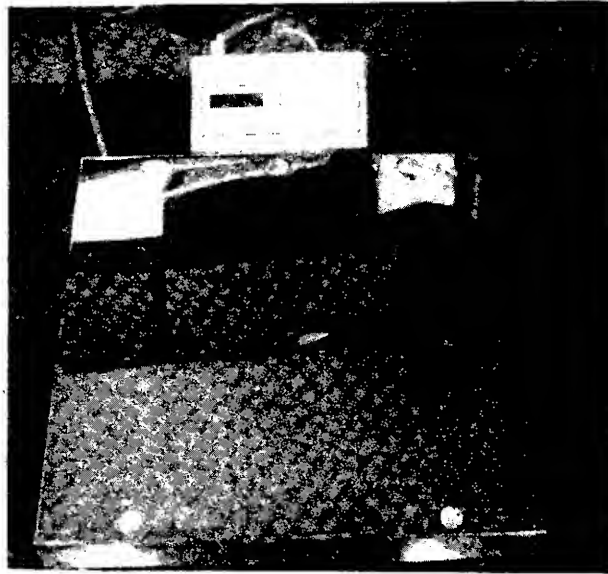
नई दिल्ली, 8 अगस्त, 2003

का.आ. 2320.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स यूनिक स्केल, डी-7/7, भारादन नगर, मुंबई-400064 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग 2) वाले “यू.एस.” शृंखला के स्वतः सूचक अस्वचालित, अंकक सूचन सहित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम “यूनिक स्केल” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/2003/116 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।

उक्त मॉडल (आकृति देखें) दाव गेज भार सेल आधारित प्रकार का तोलन उपकरण है। इसकी अधिकतम क्षमता 120 कि.ग्रा. और न्यूनतम क्षमता 500 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 10 ग्रा. है। इसमें एक आघेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आघेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

**सील लगाना :** स्टाम्पिंग प्लेट को सील बन्द करने के अतिरिक्त कपटपूर्ण व्यवहार के लिए मशीन को खोलने से रोकने के लिए सीलबन्द भी किया गया है।



और, केन्द्रीय सरकार उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत, उसी शृंखला के उसी मेक और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 कि.ग्रा. से अधिक और 300 कि. ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिसके अनुमोदित मॉडल का विनिर्माण किया गया है और जिनके सत्यापन मापमान अन्तराल (एन)की अधिकतम संख्या 100 मि.ग्रा. और अधिक के “ई” मान के लिए 5000 से 50,000 की रेंज में है तथा जिनका “ई” मान  $1 \times 10^3$ ,  $2 \times 10^3$  या  $5 \times 10^3$  है जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[ फा.सं. डब्ल्यू. एम. 21(122)/2001 ]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 8th August, 2003

**S.O. 2320.**— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the self-indicating, non-automatic (Platform type) weighing instrument with digital indication of “US” series of High accuracy (Accuracy class II) and with brand name “ UNIQUE SCALES”, (hereinafter referred to as the said model) manufactured by M/s Unique Scale, D-7/7, Bharadan Nagar, Mumbai-400064 and which is assigned the approval mark IND/09/2003/116;

The said model (see the figure given below) is a strain gauge load cell based type weighing instrument with a maximum capacity of 120kg. and minimum capacity of 500g. The verification scale interval (e) is 10g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply;

**Sealing :** In addition to sealing stamping plate, sealing is also done to prevent the opening of the machine for fraudulent practices.



Further, in exercise of the powers conferred by Sub-section (12) of Section, 36 of the said Act, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity upto above 50kg and upto 300kg. with number of verification scale interval (n) in the range of 5000 to 50,000 for ‘e’ value of 100mg. or more and with ‘e’ value  $1 \times 10^k$ ,  $2 \times 10^k$ , or  $5 \times 10^k$ , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(122)/2001]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

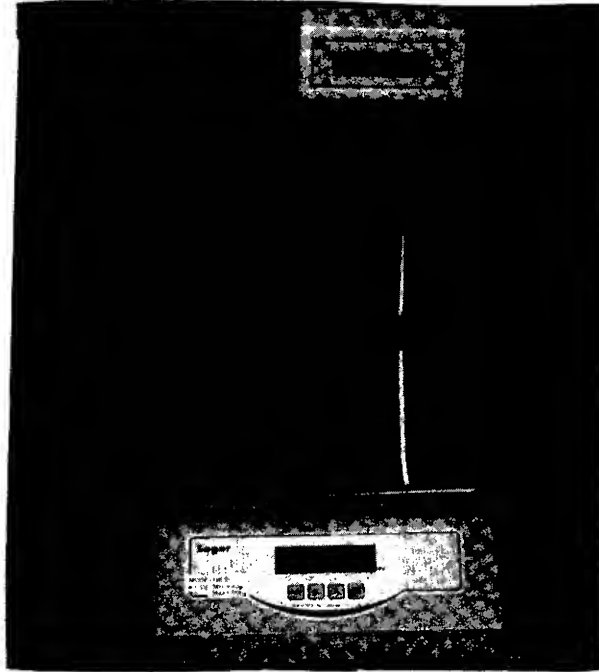
नई दिल्ली, 8 अगस्त, 2003

का.आ. 2321.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सागर इलेक्ट्रॉनिक स्केल सी-6, भारत भोग अजमेरा अस्पताल के पीछे, एस बी रोड, बोरीवली (प) मुंबई-400092 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग 3) वाले "जी आर" शृंखला के स्वतः सूचक अस्वचालित, अंकक सूचन सहित तोलन उपकरण (टेबल प्रकार) के मॉडल का, जिसके ब्रांड का नाम "सागर स्केल्स" है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/2003/127 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) विकृति मापी भार सेल आधारित प्रकार का तोलन उपकरण है। इसकी अधिकतम क्षमता 10 कि.ग्रा. और न्यूनतम क्षमता 20 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 1 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है;

सील बन्द करना : स्टाम्प लगाने वाली प्लेट पर सील लगाने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए इसके खोलने को रोकने के लिए सीलबन्द किया जाएगा।



और केंद्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी शृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 कि.ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान अन्तराल (एन) की संख्या 100 मि.ग्रा. से 2 ग्रा. के "ई" मान के लिए 100 से 10,000 की रेंज में है और जिनके सत्यापन मापमान अन्तराल (एन) की संख्या 5 ग्रा. या अधिक के "ई" मान के लिए 500 से 10,000 की रेंज में है तथा जिनका "ई" मान  $1 \times 10^0$ ,  $2 \times 10^0$  या  $5 \times 10^0$  के है जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा.सं. डब्ल्यू. एम. 21(94)/2001]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

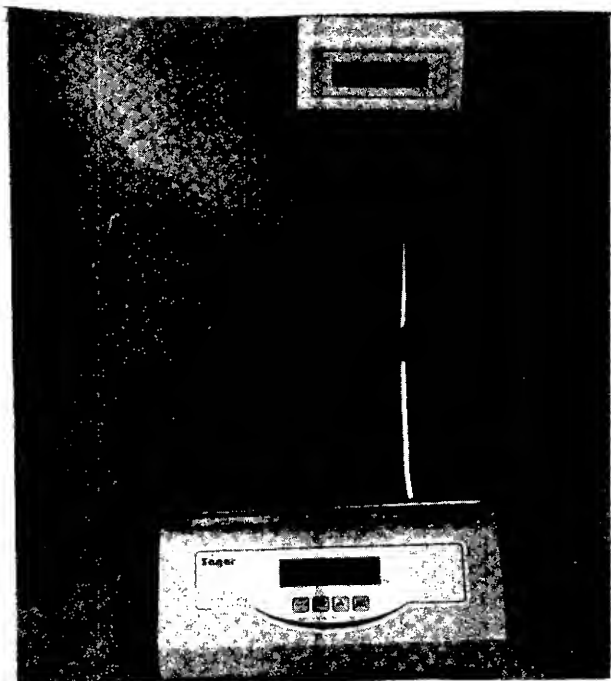
New Delhi, the 8th August, 2003

**S.O. 2321.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions.

Now, therefore, in exercise of the powers conferred by Sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of the self-indicating, non-automatic (Table type) weighing instrument with digital indication of "GR" series of medium accuracy (Accuracy class III) and with brand name "SAGAR SCALES", (herein referred to as the Model) manufactured by M/s Sagar Electronic Scale, C-6, Bharat Baug, Behind Ajmera Hospital, S.V. Road, Borivali (W) Mumbai-400092 and which is assigned the approval mark IND/09/2003/127;

The said Model (see the figure given below) is a strain gauge load cell based type weighing instrument with a maximum capacity of 10kg. and minimum capacity of 20g. The verification scale interval (e) is 1g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode display indicates the weighing result. The instrument operates on 230 Volts and 50-Hertz alternate current power supply;

Scaling : In addition to sealing the stamping plate, sealing is done to prevent opening of the machine for fraudulent practices.



Further, in exercise of the powers conferred by Sub-section (12) of the said Section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity upto 50kg and with number of verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg. to 2g. and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model have been manufactured.

[F. No. WM-21(94)/2001]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

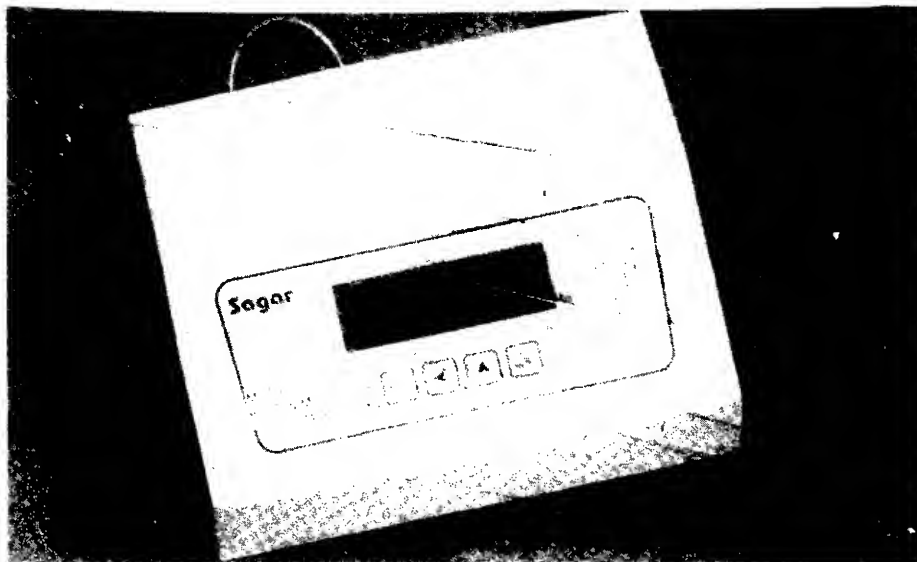
नई दिल्ली, 8 अगस्त, 2003

का.आ. 2322,—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सागर इलेक्ट्रॉनिक स्केल सी-6, भारत भोग अजमेरा अस्पताल के पीछे, एस बी रोड, बोरीवली (प) मुंबई-400092 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग 2) वाले “जी आर” शृंखला के स्वतः सूचक अस्वचालित, अंकक सूचन सहित तोलन उपकरण (टेबल प्रकार) के मॉडल का जिसके ब्रांड का नाम “सागर स्केल्स” है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/2003/128 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) विकृति मापी भार सेल आधारित प्रकार का तोलन उपकरण है। इसकी अधिकतम क्षमता 12 कि.ग्रा. और न्यूनतम क्षमता 50 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 1 ग्रा. है। इसमें एक आघेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आघेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

सील बन्द करना : स्टाम्प लगाने वाली प्लेट पर सील लगाने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए इसके खोलने को रोकने के लिए सीलबन्द किया जाएगा।



और केंद्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी शृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 कि.ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान अंतराल (एन) की संख्या 1 मि.ग्रा. से 50 मि. ग्रा. के “ई” मान के लिए 100 से 50,000 की रेंज में है और जिनके सत्यापन मापमान अंतराल (एन) की संख्या 100 मि. ग्रा. या अधिक के “ई” मान के लिए 5000 से 50,000 की रेंज में है तथा जिनका “ई” मान  $1 \times 10^*$ ,  $2 \times 10^*$  या  $5 \times 10^*$  के हैं जिसमें के घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा. सं. डब्ल्यू. एम. 21(94)/2001]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

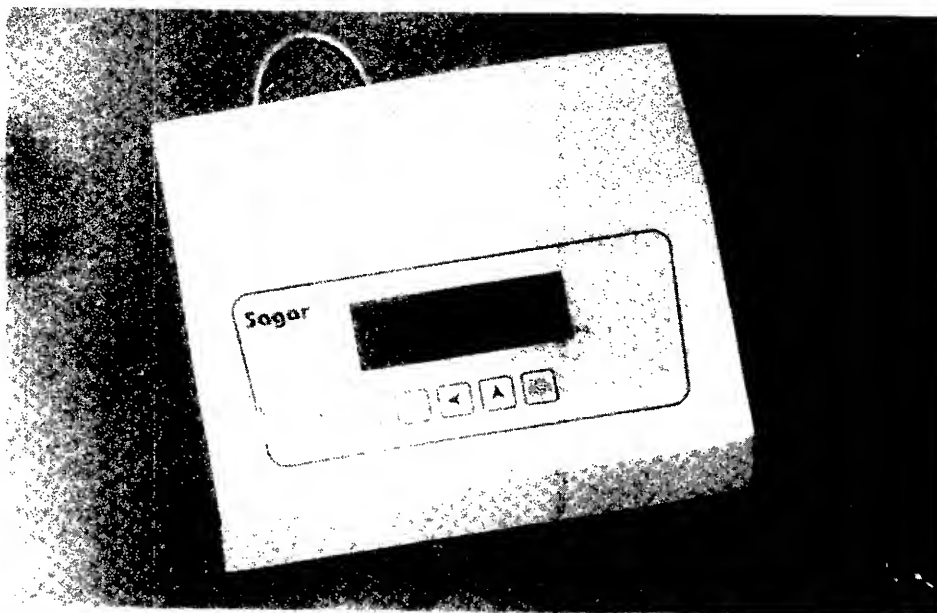
New Delhi, the 8th August, 2003

**S.O. 2322.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over period of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of the self-indicating, non-automatic (Table type) weighing instrument with digital indication of "GR" series of High accuracy (Accuracy class II) and with brand name "SAGAR SCALES", (herein referred to as the model) manufactured by M/s Sagar Electronic Scale, C-6, Bharat Baug, Behind Ajmera Hospital, S.V. Road, Borivali (W) Mumbai-400092 and which is assigned the approval mark IND/09/2003/128;

The said model (see the figure given) is a strain gauge load cell based type weighing instrument with a maximum capacity of 12kg. and minimum capacity of 50g. The verification scale interval (e) is 1g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode display indicates the weighing result. The instrument operates on 230 Volts and 50-Hertz alternate current power supply;

**Sealing :** In addition to scaling the stamping plate, sealing is also done to prevent opening of the machine for fraudulent practices.



• Further, in exercise of the powers conferred by Sub-section (12) of said Section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity upto 50kg. and with number of verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg. to 50mg. and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg. or more and with 'e' value  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[F. No. WM-21(94)/2001]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

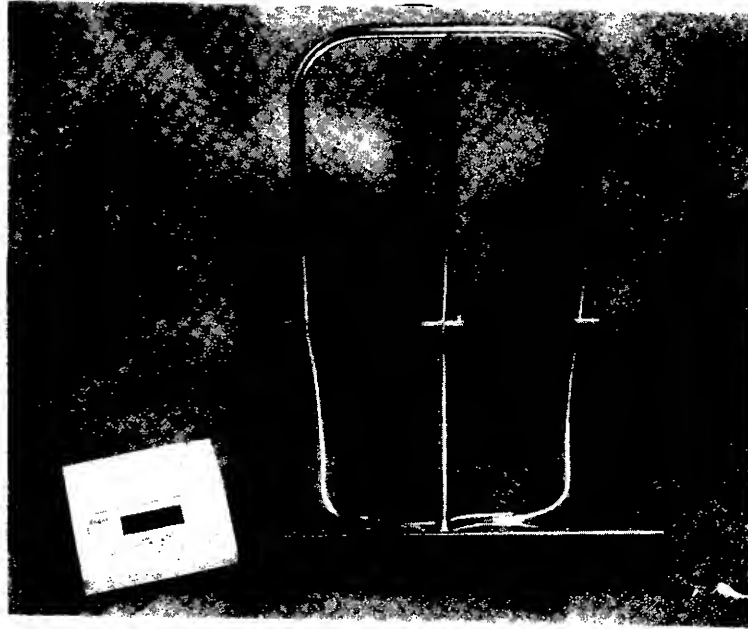
नई दिल्ली, 8 अगस्त, 2003

**का.आ. 2323.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सागर इलेक्ट्रॉनिक स्केल सी-6, भारत भोग अजमेरा अस्पताल के पीछे, एस वी रोड, बोरीवली (प) मुंबई-400092 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग 3) वाले “जी आर” श्रृंखला के स्वतः सूचक, अस्वचालित अंकक सूचन सहित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का जिसके ब्रांड का नाम “सागर स्केल्स” है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/2003/130 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

उक्त मॉडल (नीचे दी गई आकृति देखें) विकृति मापी भार सेल आधारित प्रकार का तोलन उपकरण है। इसकी अधिकतम क्षमता 100 कि.ग्रा. और न्यूनतम क्षमता 200 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 10 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

सील बन्द करना : स्टाम्प लगाने वाली प्लेट पर सील लगाने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए इसके खोलने को रोकने के लिए सीलबन्द किया जाएगा।



और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी श्रृंखला के उसी मेक यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 300 कि.ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान अन्तराल (एन) की संख्या 100 से 10,000 की रेंज में है और जिनके सत्यापन मापमान अन्तराल (एन) की संख्या 5 ग्राम या अधिक के “ई” मान के लिए 500 से 10,000 की रेंज में है तथा जिनका “ई” मान  $1 \times 10^*$ ,  $2 \times 10^*$  या  $5 \times 10^*$  है जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा. सं. डब्ल्यू. एम.-21(94)/2001]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

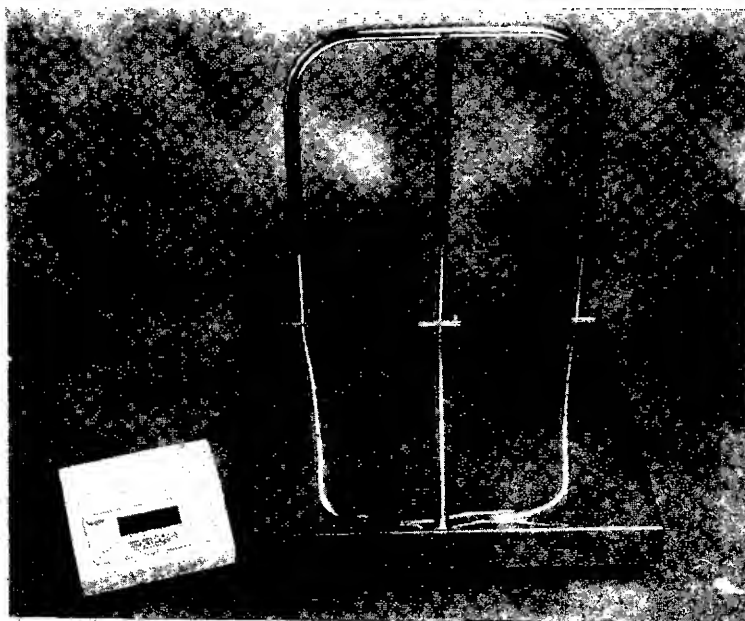
New Delhi, the 8th August, 2003

**S.O. 2323.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) of Section 36 of the said Act, the Central Government hereby publishes the certificated of approval of the model of the self-indicating, non-automatic (Platform type) weighing instrument with digital indication of "GR" series of medium accuracy (Accuracy class III) and with brand name "SAGAR SCALES", (herein referred to as the model) manufactured by M/s. Sagar Electronic Scale, C-6, Bharat Baug, Behind Ajmera Hospital, S.V. Road, Borivali (W) Mumbai-400092 and which is assigned the approval mark IND/09/2003/129;

The said model (see the figure given) is a strain gauge load cell based type weighing instrument with a maximum capacity of 100kg. and minimum capacity of 200g. The verification scale interval (e) is 10g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply;

**Sealing :** In addition to sealing stamping plate, sealing is done to prevent opening of the machine for fraudulent practices.



Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity upto 300kg and with number of verification scale interval (n) in the range of 100 to 10,000 and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[F. No. WM-21(94)/2001]

P. A. KRISHNAMOORTHY, Director, Legal Metrology



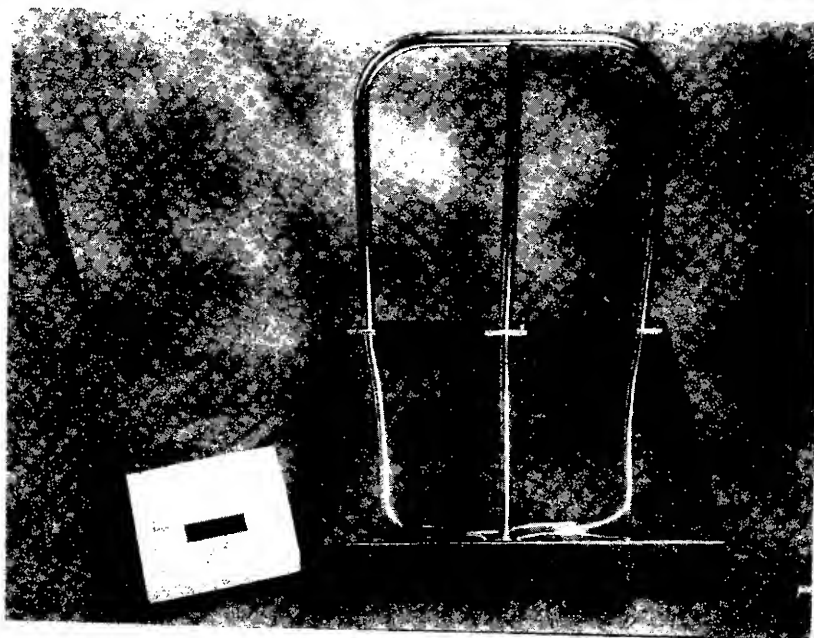
नई दिल्ली, 8 अगस्त, 2003

का.आ. 2324.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सागर इलेक्ट्रॉनिक स्केल सी-6, भारत भोग अजमेरा अस्पताल के पीछे, एस वी रोड, बोरीवली (प.) मुंबई-400092 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग 2) वाले “जी आर” श्रृंखला के स्वतः सूचक, अस्वचालित अंकक सूचन सहित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का जिसके ब्रांड का नाम “सागर स्केल्स” है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/2003/130 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) विकृति मापी भार सेल आधारित प्रकार का तोलन उपकरण है। इसकी अधिकतम क्षमता 120 कि.ग्रा. और न्यूनतम क्षमता 500 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 10 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

सील बन्द करना : स्ट्याम्प लगाने वाली प्लेट पर सील लगाने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए इसके खोलने को रोकने के लिए सीलबन्द किया जाएगा।



और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी श्रृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 300 कि.ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान अन्तराल (एन) की संख्या 100 मि.ग्रा. या अधिक के “ई” मान के लिए 5,000 से 50,000 की रेंज में है तथा जिनका “ई” मान  $1 \times 10^3$ ,  $2 \times 10^3$  या  $5 \times 10^3$  है जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[ फा.सं. डब्ल्यू. एम.-21(94)/2001 ]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

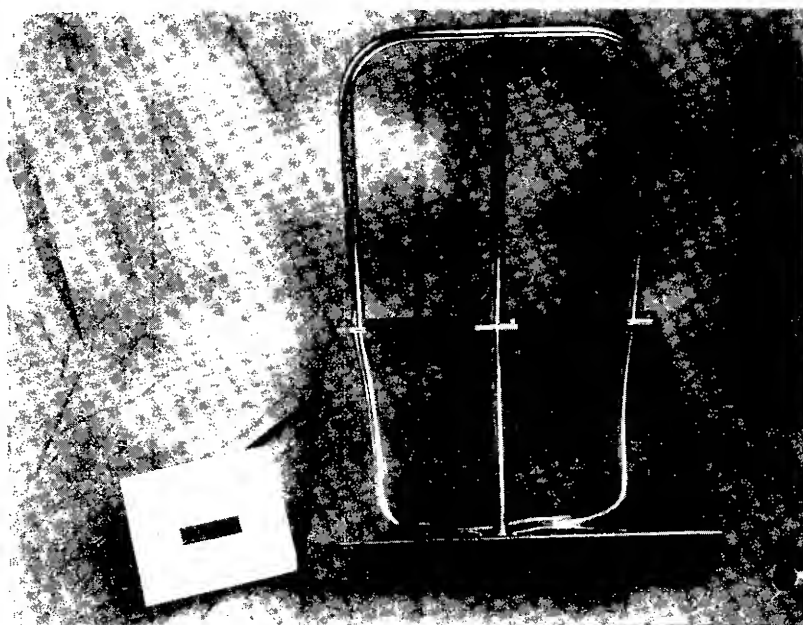
New Delhi, the 8th August, 2003

**S.O. 2324.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over period of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of self-indicating, non-automatic (Platform type) weighing instrument with digital indication of "GR" series of High accuracy (Accuracy class II) and with brand name "SAGAR SCALES", (herein referred to as the Model) manufactured by M/s Sagar Electronic Scale, C-6, Bharat Baug, Behind Ajmera Hospital, S.V. Road, Borivali (W) Mumbai-400092 and which is assigned the approval mark IND/09/2003/130;

The said model (see the figure given below) is a strain gauge load cell based type weighing instrument with a maximum capacity of 120kg. and minimum capacity of 500g. The verification scale interval (e) is 10g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode display indicates the weighing result. The instrument operates on 230 Volts and 50-Hertz alternate current power supply;

**Sealing :** In addition to sealing stamping plate, sealing is done to prevent of the opening machine for fraudulent practices.



Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity upto 300kg and with number of verification scale interval (n) in the range of 5,000 to 50,000 for 'e' value of 100mg or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model have been manufactured.

[F. No. WM-21(94)/2001]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

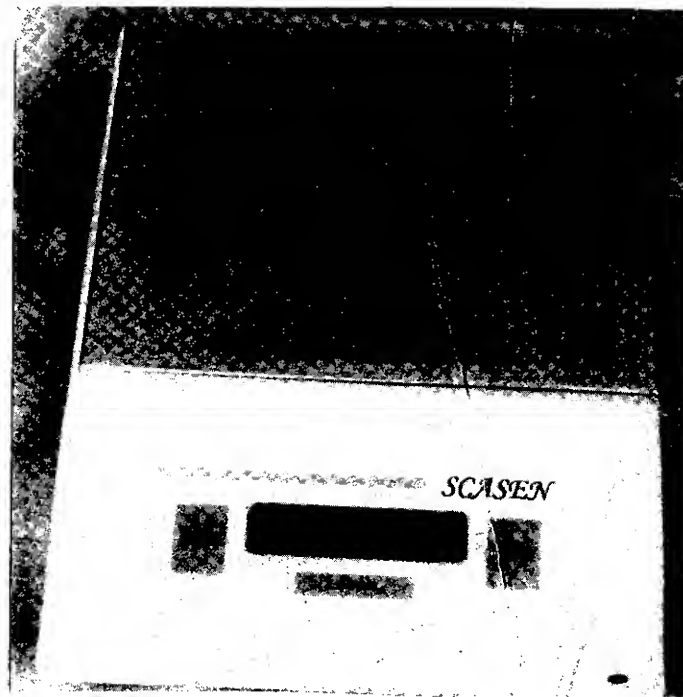
नई दिल्ली, 8 अगस्त, 2003

**का.आ. 2325.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल ( नीचे दी गई आकृति देखें ) बाट और माप मानक अधिनियम, 1976 ( 1976 का 60 ) तथा बाट तथा माप मानक ( मॉडलों का अनुमोदन ) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा ( 7 ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स स्कासेन प्राइवेट लिमिटेड, 8, बसेरा, गोत्री रोड, बड़ोदा-390007 द्वारा विनिर्मित उच्च यथार्थता ( यथार्थता वर्ग 2 ) वाले "जी एस" श्रृंखला के अस्वचालित, तोलन उपकरण ( टेबल टाप प्रकार ) के मॉडल का जिसके ब्रांड का नाम "स्कासेन" है ( जिसे इसमें मॉडल कहा गया है ) और जिसे अनुमोदन चिन्ह आई एन डी/09/2003/134 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

उक्त मॉडल ( दी गई आकृति देखें ) उच्च यथार्थता वर्ग ( यथार्थता वर्ग 2 ) का भार सेल के सिद्धान्त पर कार्य करने वाला अंकक सूचन सहित विकृतकापी भार सेल आधारित अस्वचालित ( टेबल टाप प्रकार ) तोलन उपकरण है। इसकी अधिकतम क्षमता 500 ग्रा. और न्यूनतम क्षमता 200 मि. ग्रा. है। सत्यापन मापमान अंतराल ( ई ) का मान 10 मि. ग्रा. है। प्रदर्श यूनिट प्रकाश उत्सर्जक डायोड ( एल ई डी ) प्रकार का है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है;

स्टाम्प लगाने वाली प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए मुद्रांकन किया जाता है।



और केन्द्रीय सरकार उक्त धारा की उपधारा ( 12 ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी श्रृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 कि. ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान अंतराल ( एन ) की संख्या 1 मि. ग्रा. से 50 मि. ग्रा. के "ई" मान के लिए 100 से 50,000 की रेंज में है और सत्यापन मापमान अंतराल ( एन ) की संख्या 100 मि. ग्राम या अधिक के "ई" मान के लिए 5,000 से 50,000 की रेंज में है तथा जिनका "ई" मान  $1 \times 10^*$ ,  $2 \times 10^*$  या  $5 \times 10^*$  के है जिसमें के धनात्मक या ऋणात्मक पूर्णांक है या शून्य के समतुल्य है।

[ फा.सं. डब्ल्यू. एम. 21(121)/2002 ]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

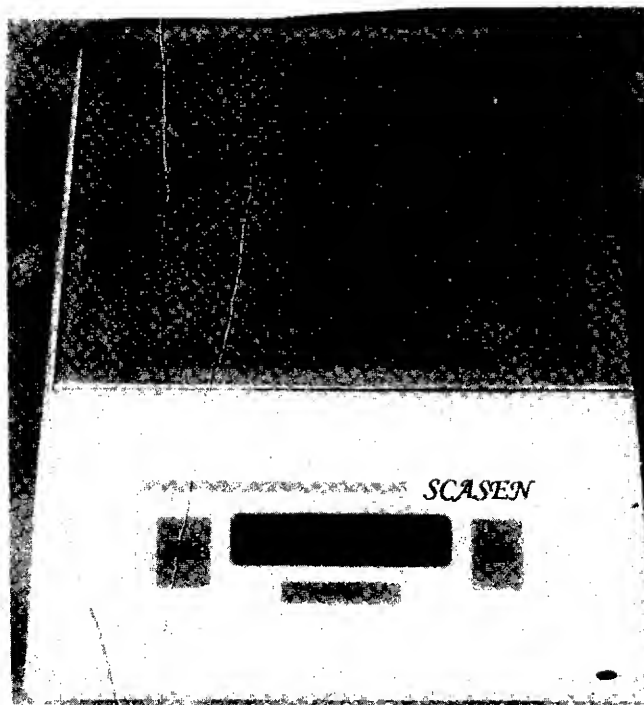
New Delhi, the 8th August, 2003

**S.O. 2325.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Models described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of non-automatic weighing instrument (table top type) with "GS" series belonging to high accuracy (Accuracy class II) and with brand name "SCASEN", (herein referred to as the Model) manufactured by M/s Scasen Private Limited, 8, Basera, Gotri Road, Broda-390007 and which is assigned the approval mark IND/09/2003/134;

The said model (see the figure given) is a strain gauge Type load cell based non-automatic weighing instrument (table top type) working on principle of load cell with digital indication of maximum capacity of 500g. and minimum capacity of 200mg and belonging to high accuracy class (Accuracy class-II). The value of verification scale interval (e) is 10mg. The display unit is of light emitting diode (LED) type. The instrument operates on 230 Volts and 50-Hertz alternative power supply;

In addition to sealing the stamping plate, sealing is done to prevent opening of the machine for fraudulent practices.



Further, in exercise of the powers conferred by Sub-section (12) of the said Section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity upto 50kg and with number of verification scale interval (n) in the range of 100 to 50,000 for "e" value of 1mg to 50mg and with number of verification scale interval (n) in the range 5,000 to 50,000 for "e" value of 100mg or more and with "e" value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model have been manufactured.

[F. No. WM-21(121)/2002]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

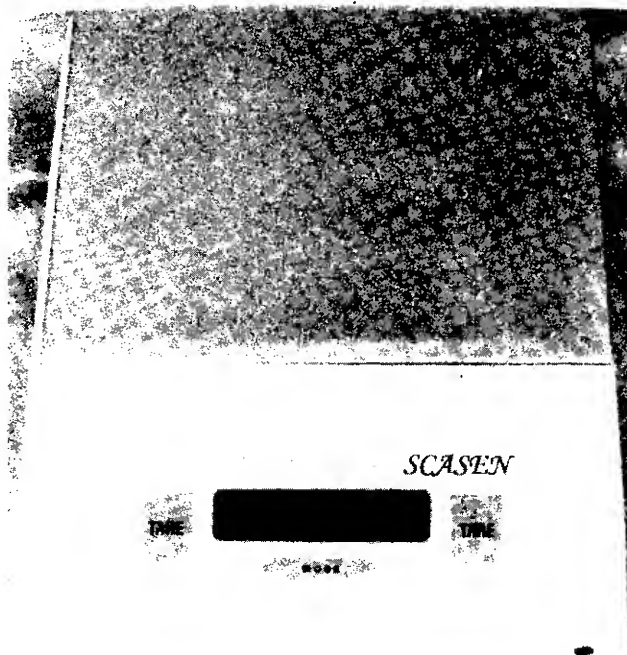
नई दिल्ली, 8 अगस्त, 2003

**का. आ. 2326.**—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स स्कासेन प्राइवेट लिमिटेड, 8, बसेरा, गोत्री रोड, बड़ोदा-390007 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग 3) वाले "बी.एस." श्रृंखला के अस्वचालित, तोलन उपकरण (टेबल टाप प्रकार) के मॉडल का जिसके ब्रांड का नाम "स्कासेन" है (जिसे इसमें मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/2003/135 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

उक्त मॉडल (दी गई आकृति देखें) मध्यम यथार्थता वर्ग (यथार्थता वर्ग 3) का भार सेल सिद्धान्त पर कार्य करने वाला अंकक सूचन सहित विकृतगामी भार सेल आधारित अस्वचालित (टेबल टाप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 3 कि. ग्रा. और न्यूनतम क्षमता 20 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 1 ग्रा. है। प्रदर्श यूनिट प्रकाश उत्सर्जक डायोड (एल ई डी) प्रकार का है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है;

स्टाम्प लगाने वाली प्लेट को मुदांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए मुद्रांकन किया जाता है।



और केन्द्रीय सरकार उक्त अधिनियम 36 की धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी श्रृंखला के उसी मेक यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 कि.ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान अंतराल (एन) की संख्या 100 मि. ग्रा. से 2 ग्रा. तक के "ई" मान के लिए 100 से 10,000 की रेंज में है और सत्यापन मापमान अंतराल (एन) की संख्या 5 ग्राम या अधिक के "ई" मान के लिए 500 से 10,000 की रेंज में है तथा जिनका "ई" मान  $1 \times 10^3$ ,  $2 \times 10^3$ , या  $5 \times 10^3$  के है जिसमें के धनात्मक या ऋणात्मक पूर्णांक है या शून्य के समतुल्य है।

[फा.सं. डब्ल्यू. एम. 21(121)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

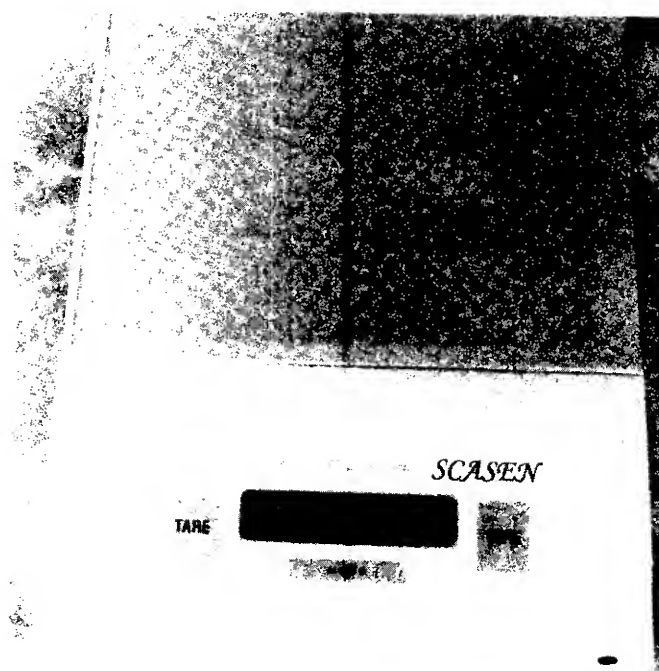
New Delhi, the 8th August, 2003

**S.O. 2326.**— Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over period of sustained use and to render accurate service under varied conditions.

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of model of non-automatic weighing instrument (table top type) with "B.S." series belonging to medium accuracy (Accuracy class III) and with brand name "SCASEN", (herein referred to as the model) manufactured by M/s Scasen Private Limited, 8, Basera, Gotri Road, Baroda-390007 and which is assigned the approval mark IND/09/2003/135;

The said model (see the figure given) is a strain gauge type load cell based non automatic weighing instrument (table top type) working on the principle of load cell with digital indication of maximum capacity 3kg. minimum capacity 20g and belonging to medium accuracy class (Accuracy class-III). The value of verification scale interval 'e' is 1g. The display unit is of light emitting diode (LED) type. The instrument operates on 230 Volts 50-Hertz alternative power supply;

In addition to sealing the stamping plate, sealing is done to prevent the opening of the machine for fraudulent practices.



Further, in exercise of the power conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity upto 50kg and with number of verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g and with the number of verification scale interval (n) in the range 500 to 10,000 for 'e' value of 5g or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , k being positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model have been manufactured.

[F. No. WM-21(121)/2002]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 8 अगस्त, 2003

का. आ. 2327.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स मगनलाल माधवजी एण्ड कं., आजाद चौक, गोपाललालजी हवेली के सामने, सावरकुण्डला-364515 (गुजरात) द्वारा विनिर्मित काउंटर मशीन के मॉडल का, जिसके ब्रांड का नाम "मगनलाल माधवजी" है (जिसे इसमें मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/03/22 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है;

उक्त मॉडल (आकृति देखें) एक काउंटर मशीन है। इसकी अधिकतम क्षमता 5 कि. ग्रा. है।



और केन्द्रीय सरकार उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी शृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 500 ग्रा. से 50 कि. ग्रा. की रेंज में है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिसके अनुमोदित मॉडल का विनिर्माण किया गया है।

[फा. सं. डब्ल्यू. एम. 21(209)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 8th August, 2003

**S.O. 2327.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificated of approval of the Model of Counter machine with brand name Maganlal Madhavji, (herein referred to as the Model) Manufactured by M/s Mnganlal Madhvagi & Co., Azad Chowk, Opp. Gopallalji Haveli, Savarkundla-364515 (Gujarat) and which is assigned the approval mark IND/09/03/22;

The said Model (see the figure) is a Counter Machine. The maximum capacity is 5 kg.



Further, in exercise of the powers conferred by Sub-section (12) of the said Section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with capacity ranging from 500g to 50 kg manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model have been manufactured.

[F. No. WM-21(209)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

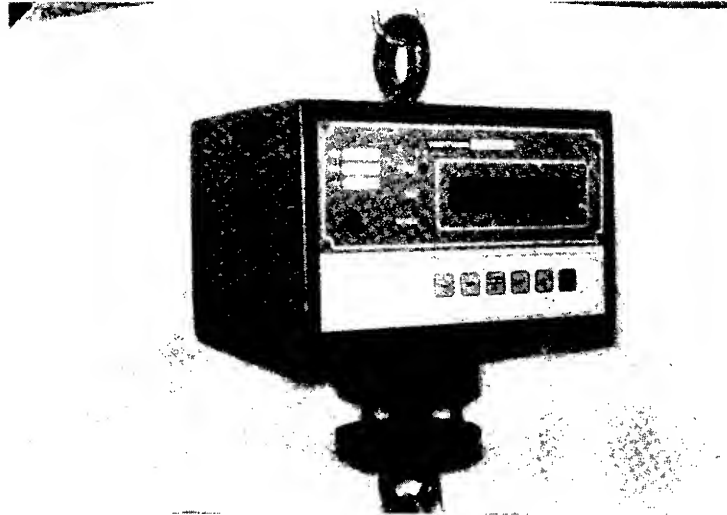


नई दिल्ली, 8 अगस्त, 2003

का.आ. 2328.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स वेहट्रोनिक्स कंट्रोल्स नं. 16, हिन्दुस्तान कोहिनूर इंडस्ट्रियल कॉम्प्लेक्स एल बी एस मार्ग, विकरोली (प) मुम्बई-400083 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग III) वाले “डब्ल्यू टी सी-सी एस” श्रृंखला के अस्वचालित तोलन उपकरण (क्रेन प्रकार) के मॉडल का, जिसके ब्रांड का नाम “वेहट्रोनिक्स” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/169 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।

उक्त मॉडल (आकृति देखें) मध्यम (यथार्थता वर्ग III) का दाब गेज प्रकार भार सैल आधारित अस्वचालित तोलन उपकरण (क्रेन प्रकार) है जो 1000 कि. ग्रा. की अधिकतम क्षमता और 4 किलो ग्राम की न्यूनतम क्षमता के अंकीय उपदर्शन सहित भार सैल के सिद्धान्त पर कार्य करता है। सत्यापन मापमान (ई) का मान 200 ग्रा. है। प्रदर्श इकाई प्रकाश उत्सर्जक डायोड (वी.एफ.डी.) प्रकार की है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट को सील करने के अतिरिक्त कपटपूर्ण व्यवहार के लिए मशीन को खोलने से रोकने के लिए मुहरबंद किया गया है।

और केन्द्रीय सरकार उक्त अधिनियम धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी यथार्थता वर्ग और उसी मेक वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 कि.ग्रा. से अधिक और 5000 कि.ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है और जिनके सत्यापन मापमान अन्तराल (एन) की संख्या 50 ग्रा. के “ई” मान के लिए 500 से 10,000 की रेंज में है जिनका “ई” मान  $1 \times 10^3$ ,  $2 \times 10^3$  या  $5 \times 10^3$  के है जिसमें के धनात्मक या ऋणात्मक पूर्णांक है और शून्य के समतुल्य है।

[फा.सं. डब्ल्यू. एम. 21(139)/2002]

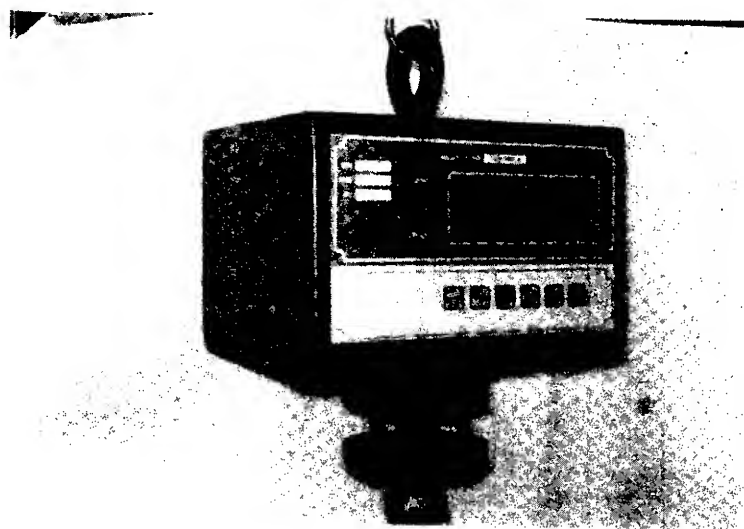
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 8th August, 2003

S.O. 2328.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over period of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) of Section 36 of the said Act, the Central Government hereby publishes the certificates of approval of Model of, non-autonomic weighing instrument (Crane type) with "WTC-CS" series belonging to medium accuracy (accuracy class-III) and with brand name "Weightronix" (herein referred to as the said Model) Manufactured by M/s Weightronix Controls, No. 16, Hindustan Kohinor Industrial Complex, L.B.S. Marg, Vikroli(W) Mumbai-400083 and which is assigned the approval mark IND/09/2003/169;

The said Model (see the figure given ) is a strain gauge type load cell based non autonomic weighing instrument (Crane type) working on the principle of load cell with digital indication of maximum capacity 1000kg, minimum capacity 4kg and belonging to medium accuracy class (accuracy class-III). The value of verification scale interval 'e' is 200g. The display unit is of vacuum fluorescent display (VFD) type. The instruments operates on 230V, 50Hz alternative power supply. In addition to sealing the stamping plate sealing is done to prevent opening of the machine for fraudulent practices.



Further, in exercise of the powers conferred by Sub-section (12) of the said Section 36, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg and up to 5000kg and with number of verification scale interval (n) in the range of 500 to 10000 for 'e' value of 50g or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$  k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[F. No. WM-21(139)/2002]

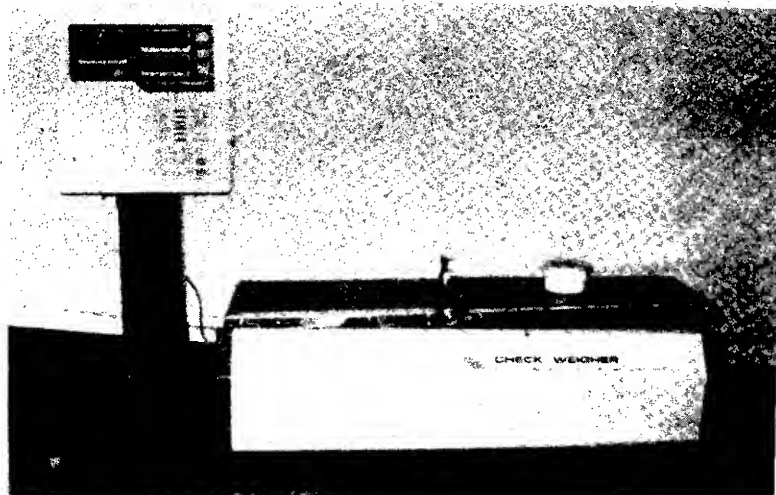
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 8 अगस्त, 2003

का.आ. 2329.—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स वेहट्रोनिक्स कंट्रोल्ल्स नं. 16, हिन्दुस्तान कोहिनूर इंडस्ट्रियल काम्पलेक्स, एल बी एस मार्ग, विकरोली (प) मुम्बई-400083 द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग II) वाले “डब्ल्यू टी सी-सी डब्ल्यू” श्रृंखला के अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम “वेहट्रोनिक्स” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/2003/170 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।

उक्त मॉडल (आकृति देखें) उच्च यथार्थता वर्ग यथार्थता वर्ग II) का दाव गेज प्रकार का अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) है, जो 5000 ग्रा. की अधिकतम क्षमता और 50 ग्राम की न्यूनतम क्षमता के अंकीय उपदर्शन सहित भार सैल के सिद्धान्त पर कार्य करता है। सत्यापन मापमान (ई) का मान 1 ग्रा. है। प्रदर्श इकाई निर्वात प्रतिदीप्त प्रदर्श (वी.एफ.डी.) प्रकार की है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट को सील करने के अतिरिक्त कपटपूर्ण व्यवहार के लिए मशीन को खोलने से रोकने के लिए मुहरबंद किया गया है।

और केन्द्रीय सरकार उक्त अधिनियम धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत, उसी यथार्थता वर्ग और उसी मेक वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 कि.ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया जाता है जिससे अनुमोदित मॉडल का विनिर्माण किया गया है। और जिनके सत्यापन मापमान अन्तराल (एन) की संख्या 100 मि. ग्रा. या अधिक के “ई” मान के लिए 500 से 10,000 की रैंज में है तथा जिनका “ई” मान  $1 \times 10^3$ ,  $2 \times 10^3$  या,  $5 \times 10^3$  है जिसमें के घनात्मक या ऋणात्मक पूर्णांक हैं और शून्य के समतुल्य है।

[ फ़. सं. डब्ल्यू. एम. 21 (139)/2002 ]

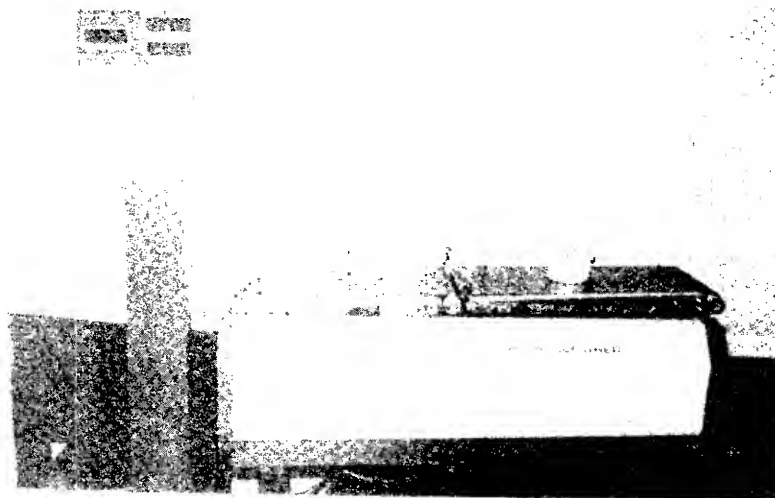
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 8th August, 2003

**S.O. 2329.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of Model of, non-autonomic weighing instrument (Platform type) with "WTC-CW" series belonging to High accuracy (accuracy class-II) and with brand name "Weightronix" (Wherein referred to as the said Model) Manufactured by M/s Weightronix Controls, No. 16, Hindustan Kohinor Industrial Complex, L.B.S. Marg, Vikroli(W) Mumbai-400083 and which is assigned the approval mark IND/09/2003/170;

The said Model (see the figure given) is a strain gauge type load cell based non autonomic weighing instrument (Platform type) working on the principle of load cell with digital indication of maximum capacity 5000g. minimum capacity 50g. and belonging to high accuracy class (accuracy class-II). The value of verification scale interval 'e' is 1g. The display unit is of vacuum fluorescent display (VFD) type. The instruments operates on 230V, 50Hz alternative power supply. In addition to sealing the stamping plate, sealing is done to prevent opening of the machine for fraudulent practices.



Further, in exercise of the powers conferred by Sub-section (12) of the said Section 36, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg and with number of verification scale interval (n) in the range of 500 to 50000 for 'e' value of 100mg or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$  k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[F. No. WM-21(139)/2002]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

**कोयला मंत्रालय**

नई दिल्ली, 31 जुलाई, 2003

**का. जा. 2330 .—** केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपाबद्ध अनुसूची में उल्लिखित भूमि से कोयला अभिप्राप्त किए जाने की संभावना है ;

अतः, अब, केन्द्रीय सरकार कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम 1957 (1957 का 20) ( जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा(1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में कोयले का पूर्वक्षण करने के अपने आशय की सूचना देती है ;

इस अधिसूचना के अंतर्गत आने वाले क्षेत्र के रेखांक सं. सी- 1(ई)III /एफआर/704-0103, तारीख 23 जनवरी, 2003 का निरीक्षण वेस्टर्न कोलफील्ड्स लिमिटेड (राजस्व विभाग) , कोल इस्टेट, सिविल लाइन्स, नागपुर 440 001 (महाराष्ट्र) के कार्यालय में या कलक्टर, नागपुर (महाराष्ट्र) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कोलकाता के कार्यालय में किया जा सकता है ;

इस अधिसूचना के अंतर्गत आने वाली भूमि में, हितबद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी नक्शों, चार्टों और अन्य दस्तावेजों को इस अधिसूचना के प्रकाशन की तारीख से नब्बे दिनों के भीतर भारसाधक अधिकारी/विभागाध्यक्ष (राजस्व)वेस्टर्न कोलफील्ड्स लिमिटेड, कोल इस्टेट सिविल लाइन्स, नागपुर - 440 001 (महाराष्ट्र) को भेज सकेंगे ।

**अनुसूची****गोंडखैरी खंड****नागपुर क्षेत्र, जिला नागपुर (महाराष्ट्र)**

(रेखांक सं.सी - 1 (ई) III /एफआर/704-0103 तारीख 23 जनवरी, 2003)

क्रम संख्या	ग्राम का नाम	पटवारी सर्किल संख्या	तहसील	जिला	क्षेत्र हेक्टर में	टिप्पणी
1	कलंबी	25	कलमेश्वर	नागपुर	105.20	भाग
2	नंदारिछी	26	कलमेश्वर	नागपुर	127.00	भाग
3	साहुली	26	कलमेश्वर	नागपुर	92.96	भाग
4	करली	24	सावनेर	नागपुर	626.00	भाग
5	सुराबडी	5	नागपुर	नागपुर	338.10	भाग
6	गोंडखैरी	24	कलमेश्वर	नागपुर	281.90	भाग
7	वडधामना	6	हिगना	नागपुर	67.80	भाग

कुल क्षेत्र:- 1638.96 हेक्टर (लगभग)

या

4049.87 एकड (लगभग)

**सीमा वर्णन:**

क - ख: रेखा “क” बिन्दु से आरम्भ होती है और ग्राम कलंबी से होकर जाती है तथा बिन्दु “ख” पर मिलती है।

ख - ग: रेखा ग्राम नंदारिछी और साहुली से होकर जाती है फिर ग्राम सुराबर्डी से होकर आगे बढ़ती है तथा बिन्दु “ग” पर मिलती है।

ग - घ: रेखा ग्राम सुराबर्डी और वडधामना की सम्मिलित ग्राम सीमा के साथ-साथ जाती है फिर ग्राम वडधामना और गोंडखैरी से होकर जाती है और बिन्दु “घ” पर मिलती है।

घ - क: रेखा ग्राम गोंडखैरी और करली से होती हुई जाती है फिर ग्राम कलंबी से होती हुई आगे बढ़ती है तथा आरंभिक बिन्दु “क” पर मिलती है।

[फा. सं. -43015/8/2003-पी.आर.आई. डब्ल्यू.]

संजय बहादुर, उप सचिव

**Ministry of Coal**

New Delhi, the 31st July, 2003

**S. O. 2330.**—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the Central Government hereby gives notice of its intention to prospect for coal therein ;

The plan bearing No. C-1(E)III/FR/704-0103 dated the 23<sup>rd</sup> January, 2003 of the area covered by this notification can be inspected at the office of the Western Coalfields Limited (Revenue Department), Coal Estate, Civil Lines, Nagpur – 440 001 (Maharashtra) or in the office of the Collector, Nagpur (Maharashtra) or in the office of the Coal Controller, 1, Council House Street, Kolkata.

All persons interested in the lands covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Officer-in-Charge/Head of the Department (Revenue), Western Coalfields Limited, Coal Estate, Civil Lines, Nagpur – 440 001 (Maharashtra) within ninety days from the date of publication of this notification in the Official Gazette.

**Gondkhairi Block, Nagpur Area  
District Nagpur (Maharashtra)**

( Plan No. C-1(E)III/FR/704-0103 dated the 23<sup>rd</sup> January, 2003).

Serial number	Name of village	Patwari circle number	Tahsil	District	Area in hectares	Remarks
1	Kalambi	25	Kalmeshwar	Nagpur	105.20	Part
2	Nanda Rithi	26	Kalmeshwar	Nagpur	127.00	Part
3	Sahuli	26	Kalmeshwar	Nagpur	92.96	Part
4	Karali	24	Saoner	Nagpur	626.00	Part
5	Surabardi	5	Nagpur	Nagpur	338.10	Part
6	Gondkhairi	24	Kalmeshwar	Nagpur	281.90	Part
7	Waddhamna	6	Hingna	Nagpur	67.80	Part

Total area : 1638.96 hectares  
(approximately)  
or  
4049.87 acres  
(approximately)

**Boundary description :-**

- A – B : Line starts from point 'A' and passes through village Kalambi and meets at point 'B'.
- B – C : Line passes through villages Nanda Rithi and Sahuli then proceeds through village Surabardi and meets at point 'C'.
- C – D : Line passes along the common village boundary of villages Surabardi and Waddhamna then passes through villages Waddhamna and Gondkhairi and meets at point 'D'.
- D – A : Line passes through villages Gondkhairi and Karali then proceeds through village Kalambi and meets at starting point 'A'.

[No. 43015/8/2003-P.R.I/W.]  
SANJAY BAHADUR, Dy. Secy.

नई दिल्ली, 7 अगस्त, 2003

का. आ. 2331 .— केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपावद्ध अनुसूची में उल्लिखित भूमि में कोयला अभिप्राप्त किए जाने को संभावना है ;

अतः, अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन एवं विकास) अधिनियम 1957 (1957 का 20) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है), की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उस क्षेत्र में कोयले का पूर्वोक्षण करने के अपने आशय की सूचना देती है;

इस अधिसूचना के अन्तर्गत आने वाले क्षेत्र के रेखांक रेखाचित्र संख्या - एच.सी.पी./मौजा/1 तारीख - 13 दिसम्बर, 1992, का निरीक्षण उपायुक्त जिला - गोड्डा (झारखंड) के कार्यालय में या कोयला नियंत्रक 1, काउंसिल हाउस स्ट्रीट, कोलकाता - 700001 के कार्यालय में या निदेशक तकनीकी (संचालन), ईस्टर्न कोलफील्ड्स लि०, सांकतोड़िया, डाकघर - दिसैरगढ़, जिला - बर्धवान (पश्चिम बंगाल) पिन - 713333 के कार्यालय में किया जा सकता है ।

इस अधिसूचना के अन्तर्गत आने वाली भूमि में, हितबद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा(7) में निर्दिष्ट सभी नक्शों, चार्टों और अन्य दस्तावेजों को इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नव्वे दिन के भीतर निदेशक तकनीकी (संचालन), ईस्टर्न कोलफील्ड्स लि०, सांकतोड़िया, डाकघर - दिसैरगढ़, जिला - बर्धवान (पश्चिम बंगाल) पिन - 713333 को भेजेंगे ।

### अनुसूची

हुरा- रूसी- ओ. सी. पी. राजमहल क्षेत्र

क्रम सं०	मौजा/ग्राम	थाना संख्या	थाना	जिला	क्षेत्र (हेक्टेयर में )	टिप्पणियां
1.	रबियाडीह	713	महागामा	गोड्डा	8.27	भाग
2.	रक्षाकिट्टा	714	महागामा	गोड्डा	14.91	भाग
3.	डुमरिया	01	बी. डब्लू.-सिमरा	गोड्डा	165.67	भाग
4.	हारकट्टा	04	बी. डब्लू.-सिमरा	गोड्डा	6.32	भाग
5.	पचरुखी	14	बी. डब्लू.-सिमरा	गोड्डा	60.87	भाग
				कुलक्षेत्र -	256.04	

**कुलक्षेत्र -256.04 हैक्टेयर**



सीमा विवरण

- ए1 - ए2 रेखा मौजा- रबियाडीह संख्या 713 के प्लाट संख्या 194 के पश्चिमी और दक्षिणी बिन्दु से आरम्भ होती है और प्लाट संख्या 195 की दक्षिणी रेखा के साथ साथ जाती है और रेखा - तेतारिया संख्या -31 और रबियाडीह संख्या - 713 की सम्मिलित सीमा रेखा से होकर जाती है और मौजा - तेतारिया संख्या - 31, रबियाडीह संख्या - 713 और डुमरिया संख्या - 1 की त्रिसीमा रेखा के ए-2 बिन्दु पर मिलती है ।
- ए2 - ए3 रेखा मौजा- डुमरिया संख्या -1 और तेतारिया संख्या - 31 की सम्मिलित सीमा से होकर जाती है और मौजा डुमरिया संख्या - 1, तेतारिया संख्या - 31 और पहाड़पुर संख्या - 32 त्रिसीमा रेखा के ए-3 बिन्दु पर मिलती है ।
- ए3 - ए4 रेखा मौजा- पहाड़पुर संख्या - 32 और डुमरिया संख्या -1 की सम्मिलित सीमा के साथ जाती है और मौजा पहाड़पुर संख्या - 32, डुमरिया संख्या - 1 और पाँचरूखी संख्या - 14 की त्रिसीमा रेखा के ए-4 बिन्दु पर मिलती है ।
- ए4 - ए5 रेखा मौजा- पहाड़पुर संख्या - 32 और पाँचरूखी संख्या - 14 की सम्मिलित सीमा के साथ जाती है और ए-5 बिन्दु पर मिलती है ।
- ए5-ए6-ए7-ए8 रेखा मौजा- पाँचरूखी संख्या - 14 प्लाट संख्या - 127, 141, 249 की पश्चिमी दक्षिणी और पूर्वी रेखा के साथ जाती है और मौजा- पाँचरूखी संख्या - 14 की सम्मिलित सीमा रेखा के साथ जाती है तथा मौजा- पाँचरूखी संख्या - 14 और पहाड़पुर संख्या - 32 की सम्मिलित सीमा रेखा के साथ जाती है, मौजा- पाँचरूखी के प्लाट संख्या - 298 की पश्चिमी रेखा के साथ जाती है और ए-8 बिन्दु पर मिलती है ।
- ए8-ए9-ए10 रेखा मौजा- पाँचरूखी संख्या - 14 के प्लाट संख्या - 298 की पूर्वी रेखा के साथ जाती है, रेखा मौजा- पाँचरूखी संख्या - 14 और पहाड़पुर संख्या - 32 की सम्मिलित सीमा रेखा के साथ जाती है । मौजा- पाँचरूखी संख्या - 14 के प्लाट संख्या - 306 की दक्षिणी और पूर्वी रेखा के साथ जाती है, मौजा- पाँचरूखी संख्या - 14 और पहाड़पुर संख्या - 32 की सम्मिलित सीमा रेखा के साथ साथ जाती है और ए-10 बिन्दु पर मिलती है ।
- ए10-ए11 रेखा मौजा- पाँचरूखी संख्या - 14 के प्लाट संख्या - 326 के पश्चिमी रेखा के साथ जाती है और ए-11 बिन्दु पर मिलती है ।
- ए11-ए12 रेखा मौजा- पाँचरूखी संख्या - 14 के प्लाट संख्या - 282 के उत्तरी रेखा के साथ जाती है और ए-12 बिन्दु पर मिलती है ।
- ए12-ए13 रेखा मौजा- पाँचरूखी संख्या - 14 के प्लाट संख्या - 282 के उत्तरी और पश्चिमी रेखा के साथ जाती है और ए-13 बिन्दु पर मिलती है ।

- ए13-ए14 रेखा मौजा- पाँचरूखी संख्या - 14 के प्लाट संख्या - 282 के दक्षिणी और पश्चिमी रेखा के साथ जाती है और मौजा - डुमरिया संख्या - 1 के प्लाट संख्या 1178 के सम्मिलित पश्चिमी दक्षिणी रेखा से होकर जाती है और ए-14 बिन्दु पर मिलती है।
- ए14-ए15 रेखा मौजा- डुमरिया संख्या - 1, प्लाट संख्या 1178 के पूर्वी और दक्षिणी रेखा के साथ जाती है और ए-15 बिन्दु पर मिलती है।
- ए15-ए16-ए17-ए18 रेखा मौजा- डुमरिया संख्या - 1, प्लाट संख्या 1178 के पश्चिमी रेखा, दक्षिणी रेखा, पूर्वी रेखा एवं दक्षिणी रेखा, पश्चिमी रेखा से होकर जाती है, और प्लाट संख्या - 1227 के उत्तरी रेखा के साथ जाती है और ए-18 बिन्दु पर मिलती है।
- ए18-ए19-ए20 रेखा मौजा- डुमरिया संख्या - 1 प्लाट संख्या -1227 के दक्षिणी और पश्चिमी रेखा के साथ जाती है और मौजा - हारकट्टा संख्या -4, प्लाट संख्या - 532 के उत्तरी, पश्चिमी रेखा से होकर जाती है और ए-20 बिन्दु पर मिलती है।
- ए20-ए21 रेखा मौजा- हारकट्टा संख्या - 4 के प्लाट संख्या - 512, 514, 530, 527, 526, 524, 495, 354, 353 होकर जाती है और प्लाट संख्या - 1040, 1039, 1038, 1037, 1033, 1032 होकर प्लाट संख्या 1031 की उत्तरी रेखा से होकर जाती हुई प्लाट संख्या 1018, 1016, 1015, 1014 से जाती है और मौजा - डुमरिया संख्या -1 के प्लाट संख्या - 1013 की उत्तरी रेखा से जाती है। रेखा मौजा - खादाहारामाल संख्या - 720 के प्लाट संख्या - 996, 997, 1004 से जाती हुई प्लाट संख्या - 1001 के दक्षिणी रेखा के साथ जाती है और रेखा प्लाट संख्या 1000, 999, 998, 732, 889, 888 से जाती है और प्लाट संख्या 887, 878 की उत्तरी रेखा के साथ जाती हुई प्लाट संख्या 610, 611 की उत्तरी रेखा से होकर प्लाट संख्या 595, 602, 469, 468 के बराबर जाती है एवं मौजा - छोटा खादाहारा संख्या - 2 की प्लाट संख्या - 260 से होकर प्लाट संख्या - 213, 214, 217 की उत्तरी रेखा से गुजरती हुई प्लाट संख्या 207, 206, 202, 203, 193 होकर प्लाट संख्या 1285, 1284, 1283 और रेखा मौजा - खादाहारामाल संख्या - 720 होकर जाती है। रेखा मौजा - मोहनपुर संख्या - 716 की प्लाट संख्या - 415, 411, 412 एवं 401 से होकर प्लाट संख्या - 400, 399 के उत्तरी रेखा से गुजरती हुई प्लाट संख्या - 398 होकर प्लाट संख्या - 397, 389 की उत्तरी रेखा से होकर प्लाट संख्या - 359, 357, 345, 344 बराबर जाती है और प्लाट संख्या - 344 की उत्तरी रेखा के साथ होकर जाती है और ए-21 बिन्दु पर मिलती है।
- ए21-ए1 रेखा मौजा- मोहनपुर संख्या - 716, प्लाट संख्या - 341 की पूर्वी रेखा के साथ मौजा - रक्षाकिट्टा संख्या - 4 के प्लाट संख्या - 163 की पूर्वी रेखा की साथ जाती है एवं मौजा - रबियाडीह संख्या - 713 के प्लाट संख्या 184 की पूर्वी रेखा के साथ जाती है एवं आरंभिक बिन्दु ए-1 पर मिलती है।

[फा. सं. -43015/5/2003-पी.आर.आई. डब्ल्यू.]

संजय बहादुर, उप सचिव

New Delhi, the 7th August, 2003

**S. O. 2331.**— Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub – section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act.), the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan (Drawing number HCP/Mouza/1 dated the 13<sup>th</sup> December, 1992) of the area covered by this notification may be inspected in the office of the Deputy Commissioner, District Godda (Jharkhand) or in the office of the Coal controller, 1, Council House Street Kolkata - 700001 or in the office of the Director Technical (OPERATION), Eastern Coalfields Limited, Sanctoria, Post Office – Dishergarh, District – Burdwan (West Bengal), PIN – 713333.

All persons interested in the lands covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Director Technical (OPERATION), Eastern Coalfields Limited, Sanctoria, Post Office – Dishergarh, District – Burdwan (West Bengal), PIN – 713333, within ninety days from the date of the publication of this notification in the Official Gazette.

## Schedule

### HURA 'C' O.C.P. OF RAJMAHAL AREA

Sl. No.	Mouza/Village	Thana number	Police Station	District	Area (In Hector)	Remarks
1	Rabiadih	713	Mahagama	Godda	8.27	Part
2	Rakshakitta	714	Mahagama	Godda	14.91	Part
3	Dumaria	01	BW-Simra-II	Godda	165.67	Part
4	Harkatta	04	BW-Simra-II	Godda	6.32	Part
5	Pachrukhi	14	BW-Simra-II	Godda	60.87	Part
				Total :	256.04	

**Total : 256.04 Hector**

**BOUNDRY DISCRIPTION**

- A1-A2** Line passes along with south line of plot No. 194, 195, Mouza – Rabiadih No. 713 and passes through the joint borderer, Mouza- Tetaria No. 31 and Rabiadih No. 713 and meets point A-2 of trio-Mouza- Rabiadih No. 713, Tetaria No. 31 and Dumaria No. 01 as delineated on plan.
- A2-A3** Line passes through joint borderer line of Mouza – Dumaria No. 1 and Tetaria No. 31 and meets at Point A-3 of trio-mouza – Dumaria No. 1, Tetaria No. 31 and Paharpur No. 32 as delineated on plan.
- A3-A4** Line passes through joint borderer line of Mouza – Dumaria No. 1 and Paharpur No. 32 and meets at Point A-4 of trio-mouza – Dumaria No. 1, Paharpur No. 32 & Patchrukhi No. 14 as delineated on plan.
- A4-A5** Line passes through joint borderer line of Mouza – Patchrukhi No. 14 and Paharpur No. 32 and meets at Point A-5 as delineated on plan.
- A5-A6-A7-A8** Line passes along with south line of plot No. 127, 141, 249 of Mouza – Patchrukhi No. 14 and passes through the joint borderer line of Mouza- Patchrukhi No. 14 and Paharpur No.32 and line passes through west line of plot No. 298 of Mouza – Patchrukhi No. 14 and meets at point A-8 as delineated on the plan.
- A8-A9-A10** Line passes along with east line of plot No. 298 of Mouza – Patchrukhi No. 14 and passes through joint borderer line of Mouza – Patchrukhi No 14 and Paharpur No. 32 and passes along with south and east line of plot No. 306 of Mouza – Patchrukhi No. 14 and passes through joint borderer line of Mouza- Patchrukhi No.14 and Paharipur No. 32 and meets at Point A-10 as delineated on the plan.
- A10-A11** Line passes along with west line of plot No. 326 of Mouza – Patchrukhi No. 14 and meets at Point at A-11 as delineated on the plan.
- A11-A12** Line passes along with north line of plot No. 282 of Mouza – Patchrukhi No. 14 and meets at Point at A-12 as delineated on the plan.
- A12-A13** Line passes along with west & north line of plot No. 282 of Mouza – Patchrukhi No. 14 and meets at Point at A-13 as delineated on the plan.
- A13-A14** Line passes along with south and west line of plot No. 282 of Mouza – Patchrukhi No. 14 and passes along with west and south borderer line of plot No. 1178 of Mouza- Dumaria No. 1 and meets at Point at A-14 as delineated on the plan.

- A14-A15** Line passes along with eastern and southern line of plot No. 1178 of Mouza – Dumaria No. 1 and meets at Point at A-15 as delineated on the plan.
- A15-A16-A17-A18** Line passes along with west line, south line, east line and south line, west line of plot No. 1178 of Mouza – Dumaria No. 1 and passes along with west line of plot No. 1227 and meets at Point at A-18 as delineated on the plan.
- A18-A19-A20** Line passes along with south & west line of plot No. 1227 of Mouza – Dumaria No. 1 and passes along with north and west line of plot No. 532 of mouza – Harkatta No. 4 and meets at Point at A-20 as delineated on the plan.
- A20-A21** Line passes through plot No. 512, 514, 530, 527, 526, 524, 495, 354, 353 of Mouza- Harkatta No. 4 and passes through Plot No. 1040, 1039, 1038, 1037, 1033, 1032 along with north line of plot No. 1031 passes through Plot No. 1018, 1016, 1015, 1014 passes along with north line of plot No. 1013 of mouza – Dumaria No.1. Line passes through plot No. 996, 997, 1004 along with south line of plot No. 1001 and passes through Plot No. 1000, 999, 998, 732, 889, 888 passes through north line of plot No. 887, 878, passes through north line of plot No. 610 & 611 and passes through plot No. 595, 602, 469, 468 of Mouza – Khadaharamal No. 720 and passes through plot No. 260 of Mouza – Chotakhadahara No. 2 and passes through north line of plot No. 213, 214, 217 and line passes through Plot No. 207, 206, 202, 203, 193, passes through plot No. 1285, 1284, 1283 and mouza- Khadaharamal No 720. Line passes through plot No. 415, 411, 412 and 401 of Mouza – Mohanpur No. 716 passes through north line of plot No. 400, 399 and passes through plot No. 398 north of plot No. 397, 389 and line passes through plot No. 359, 357, 345, 344 and passes along with north of plot No. 344 and meets at Point at A-21 as delineated on the plan.
- A21-A1** Line passes along with east plot No. No. 341 of Mouza- Mohanpur No.716 and passes along with east of plot No. 163 of Mouza- Rakshakitta No. 04 and passes along with east of plot No. 184 of Mouza – Rabiadihj 713 and meets at starting point A-1 as delineated on the plan.

[No. 43015/5/2003-P.R.I/W.]  
SANJAY BAHADUR, Dy. Secy.

नई दिल्ली, 7 अगस्त, 2003

का. आ. 2332 .—केन्द्रीय सरकार, सरकारी स्थान ( अप्राधिकृत अधिभोगियों की बेदखली ) अधिनियम, 1971 ( 1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत के राजपत्र, भाग 2, खण्ड 3, उपखण्ड (ii) में तारीख 12 मार्च, 1994 में प्रकाशित भारत सरकार के कोयला मंत्रालय की अधिसूचना सं० का.आ. 696 तारीख 8 फरवरी, 1994 को उन बातों के सिवाय अधिक्रांत करते हुए, जिन्हें ऐसे अधिक्रमण से पूर्व किया गया है या करने का लोप किया गया है, नीचे सारणी के स्तंभ (1) में उल्लिखित अधिकारियों को, जो साउथ ईस्टर्न कोलफील्ड लिमिटेड के अधिकारी हैं और केन्द्रीय सरकार के राजपत्रित अधिकारी की रैंक के समतुल्य अधिकारी हैं, उक्त अधिनियम के प्रयोजनों के लिए संपदा अधिकारी नियुक्त करती है, जो उक्त सारणी के स्तंभ (2) में तत्स्थानी प्रविष्टि में विनिर्दिष्ट सरकारी स्थानों के प्रवर्गों की बाबत अपनी अधिकारिताओं की स्थानीय सीमाओं के भीतर उक्त अधिनियम द्वारा या उसके अधीन संपदा अधिकारियों को प्रदत्त शक्तियों का प्रयोग और उन पर अधिरोपित कर्तव्यों का पालन करेंगे ।

### सारणी

क्रम सं०	अधिकारी का पदनाम	सरकारी स्थानों के प्रवर्ग और अधिकारिता की स्थानीय परिसामाएं
1.	उप महाप्रबन्धक, जेवरा क्षेत्र, एसईसीएल, जेवरा रोड रेलवे स्टेशन,	छत्तीसगढ़ राज्य में स्थित साउथ ईस्टर्न कोलफील्ड लिमिटेड के सभी परिसर और कोरबा जिले में फैले जेवरा क्षेत्र के भाग
	कोरबा जिला, छत्तीसगढ़ (सी.जी.) पिन: 495 452	
2.	उप मुख्य खनन इंजीनियर / एसओ (एम), मुख्य महाप्रबन्धक का कार्यालय, एसईसीएल, डाकघर कोरबा खदान, जिला कोरबा, (सी.जी.)- 495677	छत्तीसगढ़ राज्य में स्थित साउथ ईस्टर्न कोलफील्ड लिमिटेड के सभी परिसर और कोरबा जिले में फैले जेवरा क्षेत्र के भाग

3.	उप महाप्रबन्धक, कुसमुंदा क्षेत्र, एसईसीएल, डाकघर कुसमुंदा खदान, जिला : कोरबा (सी.जी.) 495454	छत्तीसगढ़ राज्य में स्थित साउथ ईस्टर्न कोलफील्ड लिमिटेड के सभी परिसर और कोरबा जिले में फैले कुसमुंदा क्षेत्र के भाग
4.	कार्मिक प्रबन्धक, रायगढ़ क्षेत्र, एसईसीएल, छोटे अत्तरमुराह, पो.बो.सं० 27, रायगढ़, (सी.जी.) 496001	छत्तीसगढ़ राज्य में स्थित साउथ ईस्टर्न कोलफील्ड लिमिटेड के सभी परिसर और रायगढ़ जिले में फैले रायगढ़ क्षेत्र के भाग
5.	उप महाप्रबन्धक, चिरीमिरी क्षेत्र, एसईसीएल, डाकघर पश्चिमी चिरीमिरी, जिला कोरिया (सी.जी.)	छत्तीसगढ़ राज्य में स्थित साउथ ईस्टर्न कोलफील्ड लिमिटेड के सभी परिसर और कोरिया जिले में फैले चिरीमिरी क्षेत्र के भाग
6.	उप महाप्रबन्धक, मुख्य महाप्रबन्धक का कार्यालय, विश्रामपुर क्षेत्र, एसईसीएल, डाकखाना विश्रामपुर	छत्तीसगढ़ राज्य में स्थित साउथ ईस्टर्न कोलफील्ड लिमिटेड के सभी परिसर और सरगूजा जिले में फैले विश्रामपुर क्षेत्र के भाग
7.	एरिया प्लानिंग आफिसर, बैकुंठपुर क्षेत्र, एसईसीएल, डाकघर बैकुंठपुर, जिला कोरिया ( सी.जी.)- 497335	छत्तीसगढ़ राज्य में स्थित साउथ ईस्टर्न कोलफील्ड लिमिटेड के सभी परिसर और कोरिया जिले में फैले बैकुंठपुर क्षेत्र के भाग
8.	उप महाप्रबन्धक, महाप्रबन्धक का कार्यालय, भटगांव क्षेत्र, एसईसीएल, डाकघर भटगांव खदान, जिला सरगूजा (सी.जी.) पिन : 497325	छत्तीसगढ़ राज्य में स्थित साउथ ईस्टर्न कोलफील्ड लिमिटेड के सभी परिसर और सरगूजा जिले में फैले भटगांव क्षेत्र के भाग
9.	उप महाप्रबन्धक, हसदिओ क्षेत्र, एसईसीएल, डाकघर दक्षिण झारखण्ड, जिला कोरिया (सी.जी.) पिन : 497448	छत्तीसगढ़ राज्य में स्थित साउथ ईस्टर्न कोलफील्ड लिमिटेड के सभी परिसर और कोरिया और शहडोल जिले में फैले हसदेव क्षेत्र के भाग

10.	स्टाफ आफिसर (एम) जमुना कोटमा क्षेत्र, एसईसीएल, डाकघर : जमुना खदान, जिला : शैडोल (मध्य प्रदेश) 484444	मध्य प्रदेश राज्य में स्थित साऊथ ईस्टर्न कोलफील्ड लिमिटेड के सभी परिसर और शहडोल जिले में फैले जमुना कोटमा क्षेत्र के भाग
11.	स्टाफ आफिसर (एम) सोहागपुर क्षेत्र, एसईसीएल, डाकघर धनपुरी, जिला : शैडोल (मध्य प्रदेश) पिन : 484114	मध्य प्रदेश राज्य में स्थित साऊथ ईस्टर्न कोलफील्ड लिमिटेड के सभी परिसर और शहडोल जिले में फैले सोहागपुर क्षेत्र के भाग
12.	स्टाफ आफिसर (एम) जोहिला क्षेत्र, एसईसीएल, डाकघर नवरोजाबाद, जिला : उमरिया (म.प्र.) पिन : 484555	मध्य प्रदेश राज्य में स्थित साऊथ ईस्टर्न कोलफील्ड लिमिटेड के सभी परिसर और उमरिया जिले में फैले जोहिला क्षेत्र के भाग
13.	मुख्य कार्मिक प्रबन्धक (म.प्र.) एसईसीएल मुख्यालय, सीपत रोड, बिलासपुर (सी.जी.), पिन : 495006	छत्तीसगढ़ राज्य में स्थित साऊथ ईस्टर्न कोलफील्ड लिमिटेड के सभी परिसर और मुख्यालय जिले में फैले बिलासपुर क्षेत्र के भाग

[फा. सं. -43022/1/2003-पी.आर.आई. डब्ल्यू.]  
संजय बहादुर, उप सचिव

New Delhi, the 7th August, 2003

**S. O. 2332.**— exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971) and in supersession of the notification of the Government of India in the Ministry of Coal, No. S.O. 696 dated the 8<sup>th</sup> February, 1994, published in the Gazette of India, Part-II, section 3, Sub-section (ii), dated 12<sup>th</sup> March, 1994, except as respects things done or omitted to be done before such supersession, the Central Government hereby appoints the Officers mentioned in Column (1) of the Table below, being the officers of the South Eastern Coalfields Limited and equivalent to the rank of Gazetted Officers of the Central Government, to be the estate officers for the purposes of the said Act, who shall exercise the powers conferred and perform the duties imposed on the estate officers or under the said Act within the limits of their jurisdictions in respect of the categories of the public premises specified in the corresponding entry in column (2) of the said Table.



Table

Serial Number	Designation of the Officer	Categories of the Public Premises and local limits of jurisdiction
1.	Dy. General Manager, Gevra Area, SECL, Gevra Road Railway Station, Korba Distt, Chattisgarh (C.G.) Pin: 495 452	All the premises belonging to South Eastern Coalfields Limited and forming part of Gevra Area spread over in the District of Korba, situated in the State of Chattisgarh.
2.	Dy. Chief Mining Engineer/ SO(M), Office of the Chief General Manager, SECL, P.O: Korba Colliery, Distt., Korba(C.G.)- 495677	All the premises belonging to South Eastern Coalfields Limited and forming part of Gevra Areas spread over in the District of Korba, situated in the State of Chhattisgarh.
3.	Dy. General Manager, Kusmunda Area, SECL, P.O.: Kusmunda Colliery, Distt.: Korba(C.G.)-495454.	All the premises belonging to South Eastern Coalfields Limited and forming part of Kusmunda Area spread over in the District of Korba, situated in the State of Chhattisgarh.
4.	Personnel Manager, Raigarh Area, SECL, Chote Attarmurah, Post Box No. 27, Raigarh (C.G.) 496001.	All the premises belonging to South Eastern Coalfields Limited and forming part of Raigarh Area spread over in the District of Raigarh, situated in the State of Chhattisgarh.
5.	Dy. General Manager, Chirimiri Area, SECL, P.O.: West Chirimiri, Distt. Korea (C.G.).	All the premises belonging to South Eastern Coalfields Limited and forming part of Chirimiri Area spread over in the District of Korea, situated in the State of Chhattisgarh.
6.	Dy. General Manager, Office of the Chief General Manager, Bishrampur Area, SECL, P.O.:Bishrampur Colliery, Distt. : Surguja (C.G.)-407226.	All the premises belonging to South Eastern Coalfields Limited and forming part of Bishrampur Area spread over in the District of Surguja, situated in the State of Chhattisgarh.
7.	Area Planning Officer, Baikunthpur Area, SECL, P.O.: Baikunthpur, Distt.: Korea (C.G.)- 497335	All the premises belonging to South Eastern Coalfields Limited and forming part of Baikunthpur Area spread over the District of Korea, situated in the State of Chhattisgarh.
8.	Dy. General Manager, Office of the General Manager, Bhatgaon Area, SECL, P.O.: Bhatgaon Colliery Distt. Surguja (C.G.)-497235	All the premises belonging to South Eastern Coalfields Limited and forming part of Bhatgaon Area spread over in the in District of Surguja, situated in the State of Chhattisgarh
9.	Dy. General Manager, Hasdeo Area, SECL, P.O.: South Jharakhand, Distt. Korea (C.G.), Pin: 497448.	All the premises belonging to South Eastern Coalfields Limited and forming part of Hasdeo Area spread over in the in District of Korea & Shahdol, situated in the State of Chhattisgarh

10.	Staff Officer (M), Jamuna Kotma Area, SECL, P.O.: Jamuna Colliery, Distt.: Shahdol (M.P.) 484444.	All the premises belonging to South Eastern Coalfields Limited and forming part of Jamuna Kotma Area spread over in the District of Shahdol-situated in the State of Madhya Pradesh.
11.	Staff Officer (M), SECL, Sohagpur Area, SECL, Post Dhanpuri, Distt.: Shahdol (M.P.) Pin: 484114.	All the premises belonging to South Eastern Coalfields Limited and forming part of Sohagpur Area spread over in the District of Shahdol, situated in the State of Madhya Pradesh.
12.	Staff Officer (M), Johilla Area, SECL, Post Nawrozabad, Distt.: Umaria(M.P.) Pin: 484555.	All the premises belonging to South Eastern Coalfields Limited and forming part of Johilla Area spread over in the District of Umaria, situated in the State of Madhya Pradesh.
13.	Chief Personnel Manager(MP), SECL Hqrs., Seepat Road, Bilaspur (C.G.), Pin 495006	All the premises belonging to South Eastern Coalfields Limited and forming part of its District Headquarter spread over in the District of Bilaspur, situated in the State of Chhatisgarh.

[No. 43022/1/2003-P.R.I/W.]  
SANJAY BAHADUR, Dy. Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 31 जुलाई, 2003

**का. मा. 2333 .—** तेल उद्योग विकास अधिनियम 1974 (1974 का 47) के खण्ड (सी) की धारा 3 उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा निम्न अधिकारियों को तत्काल दो वर्षों के लिए या अगले आदेश आने तक, इनमें से जो पहले हो, तेल उद्योग विकास बोर्ड के सदस्यों के रूप में नियुक्त करती है :-

	से	तक
1. श्री डी स्वरूप, अपर सचिव, व्यय विभाग	28.7.2003	27.7.2005
2. श्री सुबीर राहा, अध्यक्ष एवं प्रबंध निदेशक, ओ०एन०जी०सी०	20.6.2003	19.6.2005
3. श्री एन.आर. राजे, निदेशक (अनुसंधान एवं विकास)	28.7.2003	27.7.2005

[फा. सं०-जी. 35012/2/91-वित्त-II]  
के०पी०के० नम्बिसन, अपर सचिव

## Ministry of Petroleum &amp; Natural Gas

New Delhi, the 31st July, 2003

**S.O. 2333.**—In exercise of the Powers conferred by Clause ( c ) of Sub-section ( 3 ) of Section 3 of the Oil Industry (Development) Act, 1974 (47 of 1974), the Central Government hereby appoints, with immediate effect and for a period not exceeding two years or till further orders, whichever is earlier, the following officers as Members of the Oil Industry Development Board:

		From	To
1.	Shri D. Swarup, Addl. Secretary, Deptt. of Expenditure	28-7-2003	27-7-2005
2.	Shri Subir Raha, CMD, ONGC	20-6-2003	19-6-2005
3.	Shri N.R. Raje, Director, (R&D)	28-7-2003	27-7-2005

[No. G. 35012/2/91-Fin-II]  
K.P.K. NABMBISSAN, Under Secy.

नई दिल्ली, 8 अगस्त, 2003

**का. मा. 2334 .—** केन्द्रीय सरकार, को लोक हित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में विरमगाम से हरियाणा राज्य में पानीपत तक राजस्थान राज्य में चाकसू से होती हुई पेट्रोलियम (अपरिष्कृत) के परिवहन के लिए इंडियन ऑयल कॉरपोरेशन लिमिटेड द्वारा "सलाया-मथूरा पाइपलाइन प्रणाली के विरमगाम-चाकसू, चाकसू-पानीपत और चाकसू-मथुरा सेक्शनों के संवर्द्धन" के कार्यान्वयन हेतु एक पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि इस अधिसूचना से संलग्न अनुसूची में वर्णित भूमि में उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है उस तारीख से जिसको भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर उसमें उपयोग के अधिकार का अर्जन करने या भूमि के नीचे पाइपलाइन बिछाने के संबंध में श्री आर.एम. पंड्या, सक्षम प्राधिकारी, इंडियन ऑयल लिमिटेड (पाइपलाइन प्रभाग), पो. बा. सं 4, डाकघर-विरमगाम, जिला-अहमदाबाद गुजरात-382150 को लिखित रूप में आक्षेप भेज सकेगा।

## अनुसूची

तालूका : पालनपुर		जिला : बनासकांठ		राज्य : गुजरात	
गाँव का नाम	सर्वे सं.	उप-खण्ड सं.	क्षेत्रफल		
			हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6
पालनपुर	653	2	0	10	08
	662	क	0	00	40
	662	1पी	0	01	50
	662	2पी	0	04	00
	654	2ख	0	05	35

[फा. सं. आर-25011/20/2001-ओ.आर-1]

रेणुका कुमार, अवर सचिव

New Delhi, the 8th August, 2003

**S. O. 2334.—** Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum (crude) from Viramgam in the State of Gujarat to Panipat in the State of Haryana via Chaksu in the State of Rajasthan, a pipeline should be laid by the Indian Oil Corporation Limited for implementing the "Augmentation of Viramgam-Chaksu, Chaksu-Panipat & Chaksu-Mathura sections of Salaya-Mathura pipeline System";

And, whereas, it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein,

Any person interested in the land described in the said schedule may, within twenty one days from the date on which the copies of this notification as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri R.M.Pandya, Competent Authority, Indian Oil Corporation Limited, (Pipelines Division), P.B.No.4, P.O. Viramgam, Distt. Ahmedabad, Gujarat-382150.

## SCHEDULE

Taluka :PALANPUR		District : BANASKANTHA		State : GUJARAT	
Name of the Village	Survey no.	Sub-Division no.	Area		
			Hectare	Are	Sq.mtr.
1	2	3	4	5	6
PALANPUR	653	2	0	10	08
	662	C	0	00	40
	662	1P	0	01	50
	662	2P	0	04	00
	654	2B	0	05	35

[No. R-25011/20/2001-O.R.-1]

RENUKA KUMAR, Under Secy.

**श्रम मंत्रालय**

नई दिल्ली, 16 जुलाई, 2003

का.आ. 2335.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. बी. एम. बी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ (संदर्भ संख्या 158/94) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-7-2003 को प्राप्त हुआ था।

[ सं० एल.-22012/266/94-आई आर (सी-II) ]

एन.पी. केशवन, डेस्क अधिकारी

**MINISTRY OF LABOUR**

New Delhi, the 16th July, 2003

S.O. 2335.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 158/94) of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BBMB and their workman, which was received by the Central Government on 15-7-2003.

[No. L-22012/266/94-IR (C-II)]

N.P. KESAVAN, Desk Officer

**ANNEXURE****CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH.**

PRESIDING OFFICER : SHRI S. M. GOEL

Case No. ID 158/94

Secretary, BSL Project Mazdoor Ekta Union H. No. S-2/773, Sundernagar, Distt. Mandi (H.P.)

...Applicant.

V/s

Chief Engineer, Beas Sutlej Link, B.B.M.B. Sunder Nagar (H.P.)

...Respondent.

**REPRESENTATIVES:**

For the workman : Shri Dhani Ram

For the management : Shri D. L. Sharma

**AWARD**

(Passed on 02-07-03)

The Central Govt. Ministry of Labour vide Notification No. L-22012/266/94-I.R. C.-II dated 15th November, 1994 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of BBMB in not promoting Sh. Mehar Chaud S/o Sh. Dena Nath to the post of Asstt. Foreman Spl. in the pay scale of Rs. 570—1080 w.e.f. 1-4-1986 is legally just & valid? If not, then to what relief the workman is entitled to and from which date?"

2. The representative of the workman stated that this case is not fit for contest because the management has not yet framed the rules in relation to workcharge employees as per Hon'ble Supreme Court Judgement in Jaswant Singh Vs. B.C.B. AIR. 1980 page 115. In view of the above, the present reference is dismissed as not pressed on behalf of the workman. Appropriate Authority be informed.

CHANDIGARH.

Dated : 2-7-2003

S.M. GOEL, Presiding Officer

नई दिल्ली, 16 जुलाई, 2003

का.आ. 2336.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ. सी. आई. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली (संदर्भ संख्या 28/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-7-2003 को प्राप्त हुआ था।

[ सं० एल.-22012/33/98-आई आर (सी-II) ].

एन.पी. केशवन, डेस्क अधिकारी

New Delhi, the 16th July, 2003

S.O. 2336.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 28/99) of the Central Government Industrial Tribunal-cum-Labour Court, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of FCI and their workman, which was received by the Central Government on 15-7-2003.

[No. L-22012/33/98-IR (C-II)]

N.P. KESAVAN, Desk Officer

**ANNEXURE****IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NEW DELHI**

PRESIDING OFFICER : SHRI B.N. PANDEY

I.D. No. 28/99

S/Shri Gurbaksh Lal Bajaj, Krishan Lal, Brijesh Kumar Nigam, Meera Sachdeva, Mangal, Usha, Rani Kamra

and Chander Prabha Kalra through The General Secretary,  
F.C.I. Executive Staff Union, B.H. 141, East Shalimar Bagh,  
Delhi, New Delhi. .... Workmen

Versus

The Zonal Manager,  
Food Corporation of India,  
5th Floor, Ansal Bhavan, K.G. Marg,  
New Delhi-110001.

.... Management

### AWARD

The Central Government in the Ministry of Labour vide its Order No. L-22012/33/98-IR (CM-II) dated 17-12-98 has referred the following industrial dispute to this Tribunal for adjudication :—

“Whether the action of the management of Food Corporation of India in withdrawing/cancelling the selection grade granted to S/Shri Gurbaksh Lal Bajaj, Krishan Lal, Brijesh Kumar Nigam, Meera Sachdeva, Mangal, Usha, Rani Kamra and Chander Prabha Kalra all Assistant Grade-I (A/cs vide their letter No. 2 (50)/93-AG. II (A/cs) S.G.E. VIII/NZ dated 24-07-95 read with 18(2)/94-E. II, dated 23-12-1996 is just and legal? If not, what relief the workmen are entitled and from what date?”

2. The reference was received and registered on 7-1-99 and case was fixed for filing of claim on 25-2-99. On 25-2-99 none was present for workman and notice was issued for 6-4-99. From 6-4-99 to 21-10-99 the Post of P.O. was lying vacant and case was adjourned to 21-12-99 for further proceeding. On 21-12-99 for further proceedings. On 21-12-99 none was present on behalf of workman and P.O. was on tour, Case was adjourned to 15-2-2000 for further proceedings. Again on 15-2-2000 and 24-4-2000 workman did not appear and for filing of claim case was adjourned to 17-7-2000. On 17-7-2000 Shri Gurbaksh Lal Bajaj appeared in person and P.O. was on tour case was adjourned to 7-9-2000. Again on 7-9-2000, 16-1-2000, 2-1-2001, 27-2-2001, 9-4-2001, 11-6-2001, 21-8-2001, 16-10-2001, 12-11-2001, 4-1-2002, 21-3-2002 none was present on behalf of workman. On 21-3-2000 registered A.D. notice was ordered to be sent to the Union's General Secretary and also the workmen concerned fixing 8-7-2002 for filing claim if any. Again on 8-7-2002 none appeared for workman. Again registered A.D. notice was ordered to be issued for 9-12-02. On 9-12-02, 16-1-03, 11-3-03, 5-5-03, and 16-6-03 none was present for workman and case was fixed for further proceedings on 25-6-03. Today i.e. 25-6-03 nobody is present on behalf of the workman. Shri Neeraj Saxena is present for management. Despite sufficient opportunity workman has filed no claim statement so far. It appears that he is not interested in prosecuting the case. Hence No dispute award is given accordingly.

DATED : 25-6-2003.

B.N. PANDEY, Presiding Officer

नई दिल्ली, 16 जुलाई, 2003

का.आ. 2337.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, भुवनेश्वर (संदर्भ संख्या 386/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-7-2003 को प्राप्त हुआ था।

[ सं० एल.-22012/183/2000-आई आर (सी-II) ]

एन.पी. केशवन, डेस्क अधिकारी

New Delhi, the 16th July, 2003

S.O. 2337.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 386/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of MCL and their workman, which was received by the Central Government on 15-7-2003.

[No. L-22012/183/2000-IR (C-II)]

N.P. KESAVAN, Desk Officer

### ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT  
BHUBANESWAR

#### PRESENT :

SHRI S.K. DHAL, OSJS, (Sr. Branch),  
Presiding Officer, C.G.I.T. -cum-Labour  
Court, Bhubaneswar

INDUSTRIAL DISPUTE CASE No. 386/2001

Date of conclusion of hearing—29th May, 2003

Date of Passing Award—26th June, 2003

#### Between :

The Management of the Project Officer,  
Nandira Colliery of MCL, P.O. Badajorada,  
Via. Dera (Talcher), Dist. Angul.

.... 1st Party-Management.

AND

Their Workman represented through the  
General Secretary, Mahanadi Coal Fields

Mazdoor Sabha, At/Po. South Balanda,  
Dist. Angul. . . 2nd Party-Union.

#### APPEARANCES:

Shri J. Patra, Sr. Personnel Manager,  
Talcher Area, MCL. . . For the 1st  
Party-Management.

Shri Biranchinarayan  
Pani. For the 2nd Party-  
Union.

#### AWARD

The Government of India in the Ministry of Labour in exercise of powers conferred by Clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes, Act, 1947 (14 of 1947) have referred the following dispute for adjudication vide their Order No. L-22012/183/2000-IR (C-II), dated 16-3-2001/22-3-2001.

“Whether the action of the Management of Nandira Colliery of MCL, Talcher by not granting protection of wages to Shri Krushna Sahoo, Cat.-I Mazdoor at the time of his reversion from the Post of Cat.-V to Cat.-I is legal and justified? If not, to what relief the workman is entitled?

2. The case of the 2nd Party may be stated in brief :-

The disputant Shri Krushna Sahoo was working in Nandira Colliery of Talcher Area of Mahanadi Coalfields Limited in short MCL, as Cat.-V Mazdoor. He faced an accident on 15-10-1989 due to fall of coal on his head from the unloading tipping truck, while he was collecting coal for his domestic use. He was treated and was advised to work in the light jobs. The disputant applied to the 1st Party-Management to allow him to work in the light job on the surface. After due consideration, the 1st Party-Management was pleased to allow the representation of the disputant and he was worked in the light job in the surface by reverting him to Cat.-I Mazdoor which is a lower post than the Cat.-V Mazdoor. This order was passed on 3-9-1993. After his reversion to the lower post his basic pay was fixed at Rs. 48.27 per day which was the maximum basic pay of the Cat.-I Mazdoor. But the disputant was drawing Rs. 57.46 while he was in Cat.-V. So, he got less of Rs. 9.19 per day in the Post of Cat.-I due to his reversion. So, he made a representation to the 1st Party-Management to fix his pay as Rs. 57.46 per day that he was drawing in Cat.-V. But his representation did not find favour of the 1st Party-Management. So, he raised a dispute. Conciliation was made but it failed. So, the present reference has been made. The disputant has prayed that

his basic pay should be protected after reversion to the lower post in Cat.-I and his basic pay should be fixed at the rate of Rs. 57.46 per day which he was drawing before his reversion and that, arrear amount may be paid to him.

3. The 1st Party-Management has filed their Written Statement. Representation submitted by the disputant and his reversion has been admitted by the 1st Party-Management. But they have taken the stand that on his personal request he was reverted to the lower post. So, he was obviously given the starting basic pay of the scale of pay and he continued with that basic wages till his retirement. So, the claim of the disputant has been denied by the 1st Party-Management.

4. On the above pleading of the parties the following Issues have been settled.

#### ISSUES

1. Whether the reference is maintainable?
2. Whether the disputant would come under the definition of Workman?
3. Whether the action of the 1st Party-Management of Nandira Colliery of MCL, Talcher by not granting protection of wages to Shri Krushna Sahoo, Cat.-I Mazdoor at the time of his reversion from the Post of Cat.-V to Cat.-I is legal and justified?
4. If not, to what relief the workman is entitled?
5. Both the parties have decline to adduce any oral evidence. They have relied on the documents filed in support of their respective stand.

#### FINDINGS

##### ISSUE No. I & II

6. During course of argument, the above two issues have not been pressed. However, the 1st Party-Management has failed to make out a case that the 2nd Party does not come under the definition of the workman. After perusal of the documents of both the parties, I am of the opinion, that the 2nd Party is a Workman. He made a representation for his fixation of pay and that was not allowed. So, he raised a dispute and after failure of conciliation the Government has made the reference. In that case, the reference is also maintainable. Both the issues are answered accordingly.

##### ISSUE NO. III

7. The main stand of the 1st Party-Management is that the reversion has been made on the personal request of the disputant to a lower post. He is entitled the basic salary of the lower post but not the salary, which he was drawing in the higher post before reversion. On the other hand, the 2nd Party has taken the stand that when his representation was allowed the 1st Party-Management had

considered his difficulties and thereafter the 1st Party-Management can not say that, he (the disputant) is not entitled for pay protection because reversion was made on the representation of the disputant. According to the 1st Party-Management the reversion has not been made by them but on the request of the disputant. So, in that case, the 1st Party-Management is not responsible and the pay has been rightly fixed and the disputant is not entitled to get which he was drawing before reversion. On the other hand, the 2nd Party has invited this Tribunal to a judgement passed by the Central Administrative Tribunal, Cuttack Bench, Cuttack in O.A. Case Nos. 742, 743, 744, 745, 746, 792, 793/95 and 195/96, which was disposed of on 12-8-1996. The fact of the present case is different from the facts of the reported cases. The judgement passed by the Central Administrative Tribunal, Cuttack Bench, Cuttack, was based on the judgement passed by the Calcutta Bench in O.A. 76 of 1992 in Jayanta Kumar Choudhury-Versus-Union of India. The fact of that case was that an Electrical Chageman promoted to Grade-A in the electrical branch at Sealdah. At his own request he was offered a post in Kanchangapara workshop as Electrical Chageman, Grade-B on his assenting to the bottom seniority as on that date. At Sealdah the applicant was getting a substantive pay of Rs. 1700/-, but in the new post at Kanchangapara his substantive pay was fixed at Rs. 1640/-. He was thus denied of the benefit of higher pay drawn by him.

The Calcutta Bench upheld the claim of the applicant on the ground that according to the provisions of the Railway Establishment Code, the basic pay of a Railway servant who had been previously in employment of the concerned Railway, on a fresh appointment, can not be less than his previous pay. If in the scale of pay of the new post there is no such stage the basic pay is to be fixed at the next below the stage and the different be made up by allowing the person concerned a personal pay which is to be absorbed on getting subsequent increments but in that case their claim was denied on the ground that, they were holding higher post on adhoc basis. But in the present case on the representation of the disputant due to his illness, he was reverted to the lower post and so he is entitled to get the scale at the lower post and he can not claim which he was drawing before his reversion. In my opinion, the observation made by the Calcutta Bench would not be applicable in this case. In my opinion, when a workman is given light work by the 1st Party-Management his wages are to be protected. The disputant had suffered an accident not in course of employment, which contributed to make representation for reversion to the lower post. So, in that case, I agree with the submission made on behalf of the 1st Party-Management that, the disputant is not entitled to get the pay which he was drawing when he was working in the Cat.-I Mazdoor prior to his reversion. Hence, this issue is answered accordingly.

**ISSUE NO. IV**

8. In view of my findings given in respect of Issue No. III, the 2nd Party-Workman is not entitled for any relief.

9. Reference is answered accordingly.

Dictated & Corrected by me.

S.K. DHAL, Presiding Officer

नई दिल्ली, 16 जुलाई, 2003

का.आ. 2338.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम.सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, भुवनेश्वर (संदर्भ संख्या 74/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-7-2003 को प्राप्त हुआ था।

[ सं० एल.-22012/410/99-आई आर (सी-II) ]

एन.पी. केशवन, डैस्क अधिकारी

New Delhi, the 16th July, 2003

S.O. 2338—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 74/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of MCL and their workman, which was received by the Central Government on 15-7-2003.

[No. L-22012/410/99-IR (C-II)]

N.P. KESAVAN, Desk Officer

**ANNEXURE**

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-  
CUM-LABOUR COURT BHUBANESWAR**

**PRESENT:**

Shri S.K. Dhal, OSJS, (Sr. Branch),  
Presiding Officer, C.G.I.T.-cum-Labour  
Court, Bhubaneswar.

**Tr. Industrial Dispute Case No. 74/2001**  
**Date of conclusion of hearing-4th June, 2003**

**Date of Passing Award-2nd July, 2003**

**BETWEEN:**

The Management of the General Manager,  
Ib Valley Area of MCL, P.O. Brajarajnagar,  
Distt. Jharsuguda, Orissa.

....1st Party-Management.



**AND**

Their Workman represented through the  
General Secretary, Brajarajnagar Ib Khadan  
Mazdoor Sangh, P.O. Orient Colliery,  
Distt. Jharsuguda, Orissa.

... 2nd Party-Union.

**APPEARANCES:**

Shri B. Anand Rao Pattnaik.	....	For the 1st Party- Legal Inspector.	Management
Shri Karunakar Nayak.	....	For the 2nd Party- General Secretary.	Union.

**AWARD**

The Government of India in the Ministry of Labour in exercise of Powers conferred by Clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication vide their Order No. L-22012/410/99-IR (C-II), dated 20-10-2000:

“Whether the demand of the Brajarajnagar Ib Khadan Mazdoor Sangh for correction of pay anomaly of Sh. Manglu Kalo, Sh. Umakant Singh, Sh. Trinath Pradhan, Sh. T. G. T. Pillai and Sh. Gabbulal by granting lower basic pay than Sh. Souki Pradhan who was junior to the above 5 drivers is lawful and justified? If so, to what relief the workmen are entitled?”

2. The Claim Statement has been filed by the General Secretary of the Union who represented the disputants namely S/Shri Manglu Kalo, Umakant Singh, Trinath Pradhan, T.G.T. Pillai and Gabbulal who were the drivers working under the 1st Party-Management. The claim statement contains only four paragraphs. It is pleaded that, the disputants are senior to one Shri Souki Pradhan, Driver. But after promotion Shri Pradhan is drawing more pay than the disputants, which is illegal. According to the Union a junior should not draw higher pay than his seniors. So, they have prayed for passing of necessary award directing the 1st Party-Management to correct the fixation of pay to avoid anomaly along with all due financial benefits.

3. The 1st Party-Management has filed their Written Statement. They have admitted that Shri Souki Pradhan was junior to the disputants but they have pleaded that the disputants were under Service Linked Upgradation (hereinafter called as SLU) on and from 1-7-1990 to Category-VI by virtue of their staying in the grade for continuous period of ten years, they were upgraded to Category-VI from Category-V. Shri Souki Pradhan who completed 10 years in the same grade was also given similar benefits from 1-7-1991 under the same clause of SLU in the similar manner. According to the 1st Party-Management as per the rules of the JBCCI and also the established practice, the date of annual increment of the employees does not

change in case of SLU. This is a special consideration given by the JBCCI to the employees who are not being promoted due to want of vacancies. In such circumstances, the pay of the upgraded employee is fixed at the corresponding slab of higher grade but the designation remains unaltered. The benefit accruing to the employees in this case is the difference of wages being the different amount between the higher grade slab and lower grade basic pay on the date of SLU i.e. 1st July of the year. It has been further pleaded that, the above rules were applied to the disputants and Shri Souki Pradhan. But incidentally, the date of annual increment of Shri Souki Pradhan falls on 1st July of the year i.e. on 1-7-1991. The SLU of Shri Pradhan also falls due on 1-7-1991. As a consequent of this coincident he was given one increment on 1-7-1991 and the SLU benefits. It has been further pleaded that the disputants were already given SLU on and from 1-7-1990 and the annual increment on the anniversary date i.e. 1st January of the year i.e. 1991. Thus, the 1st Party-Management has not changed the anniversary date of increment of either the disputants or Shri Souki Pradhan. It is further pleaded that, the show called anomaly in the instant case as has been raised by the sponsoring Union, was never considered as an anomaly by the JBCCI. The Union has never submitted any representation in this regard. According to the 1st Party-Management the reference is not maintainable.

4. On the above pleading of the parties the following issues have been settled.

**ISSUES**

1. Whether Shri Souki Pradhan was senior to Manglu Kalo, Shri Umakant Singh, Shri Trinath Pradhan, Shri T.G.T. Pillai and Shri Gabbulal?
2. Whether the demand of Brajarajnagar Ib Khadan Mazdoor Sangh for correction of pay anomaly of the above person by granting lower basic pay than Shri Souki Pradhan who was junior to the above five drivers is lawful and justified?
3. If so, to what relief the workmen are entitled.
5. The 2nd Party has not adduced any oral evidence. The 1st Party-Management has examined one witness.

**FINDINGS****Issue No. 1**

6. It is claimed by the 2nd Party that Shri Souki Pradhan is junior to the disputants. This fact also has been admitted by the 1st party-Management. In the cross examination the Management Witness has admitted that the disputants are senior to Shri Souki Pradhan. Issue No. 1 have been settled whether Shri Souki Pradhan is senior to the disputants, but it is not correct. Shri Souki

Pradhan was junior to the disputants namely Shri Manglu Kalo, Shri Umakant Singh, Shri Trinath Pradhan, Shri T.G.T. Pillai and Shri Gabbulal. Hence, this issue is answered accordingly.

#### Issue No. II

7. It is also an admitted fact that the disputants are drawing less salary than Shri Souki Pradhan from 1-7-1993. The position of pay fixation and revision of the disputants were submitted to this Tribunal for perusal, which has been annexed in this case as Annexure-1. This Annexure reveals that, on 1-1-1993 the salary of the disputants and Souki Pradhan was same. On 1-7-1993 Souki Pradhan got one increment so his pay was raised to Rs. 101.20 whereas the pay of the disputants remained Rs. 97.66 and it was raised on 1-9-1993 when they got promotion to Category-VI adding one increment to their basic pay which they were drawing as on 1-1-1993. From that date i.e. 1-1-1993 admittedly Shri Souki Pradhan was drawing more than the disputants. The stand of the 1st Party-Management is that the date of increment of Shri Souki Pradhan was 1st July and he got promotion under SLU and the date of that promotion only fall in the month of July for which he was granted one increment thereby his pay was raised and he got more than the disputants.

8. It is submitted on behalf of the 1st Party-Management that, the anomaly found between the disputants and Shri Souki Pradhan was neither intentional nor willful. So, according to the 1st Party-Management the question of causing financial loss to the disputants by the 1st Party-Management does not arise. On the other hand, it is submitted on behalf of the 2nd Party that in no case when pay is fixed either on promotion or in case of pay revision the junior should not be allowed to draw more pay than his senior. If it happens then the pay of the seniors should be fixed in such a stage the junior can not draw more pay than the seniors.

9. After hearing of both the parties, I find much force in the submission made on behalf of the 2nd party. In this case, the disputants have got promotion first than Shri Souki Pradhan. When the pay was fixed for Souki Pradhan, he got more than the seniors i.e. the disputants, in my opinion, in no case the juniors should be allowed to draw more pay than his seniors except if the pay of the senior has been reduced by way of punishment in any departmental proceeding. In this case no punishment has been imposed on the disputants by reducing their pay. So, ordinarily the juniors should not be allowed to draw more pay than the seniors, when the pay is fixed either on promotion or in case of revision of pay. If that happens on representation of the seniors the pay should be fixed equal with the juniors. During course of argument, it was disclosed before this Tribunal that the disputants have made representation for stepping of pay but the representation was turned down. In my opinion, the action of the 1st

party-Management in this regard is illegal. The disputants should not be allowed to draw less pay than Shri Souki Pradhan who got promotion latter and admittedly is junior to the disputants. In other words the demand of the 2nd Party for correction of pay anomaly is legal and justified.

#### Issue No. III

10. In view of my findings given in respect of Issue No. II, the disputants are entitled to get same scale of pay drawn by Shri Souki Pradhan from 1-7-1993. In other words the disputants are entitled for basic pay at the rate of Rs. 101.20 from 1-7-1993 in the pay or step up. The 1st party-Management is directed to fix the pay of the disputants at the rate of Rs. 101.20 as on 1-7-1993 and the differential amount should be paid to the disputants within three months from the date of gazette notification.

11. Reference is answered accordingly.

S. K. DHAL, Presiding Officer

नई दिल्ली, 16 जुलाई 2003

का.आ. 2339.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी. सी. एल. प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद (संदर्भ संख्या 4/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-7-2003 को प्राप्त हुआ था।

[ सं० एल-22013/1/2003-आई आर (सी-II) ]

एन.पी. केशवन, डेस्क अधिकारी

New Delhi, the 16th July, 2003

S.O. 2339.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 4/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SCCL and their workman, which was received by the Central Government on 15-7-2003.

[No. L-22013/1/2003-IR (C-II)]

N.P. KESAVAN, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT AT  
HYDERABAD

#### PRESENT:

Shri E. Ismail, B. Sc., LL.B.,  
Presiding Officer

Dated the 31st day of May, 2003

**INDUSTRIAL DISPUTE L.C.L.D. No. 4/2003****BETWEEN:**

Sri Diennis Vincent,  
S/o H. Vincent,  
H. No. 18/244/02,  
Mallikarjunanagar,  
Malkajgiri, Secunderabad.

...Petitioner

**AND**

1. The General Manager,  
SC. Company Ltd.,  
Area IV, Ramagundem,  
Godavari Khani.
2. The Managing Director,  
Singareni Collieries Co. Ltd. (Administration)  
Kothagudem, Khammam District.

...Respondents

**APPEARANCES :**

For the Petitioner : Sri S. Bhagwanth Rao, Advocate  
For the Respondent : M/s K. Srinivasa Murthy, C.  
Vijaya Shekar Reddy, Prasad, M.  
Praveen, B. Vijaya Kumar,  
Suresh, Sridhar K., Vijaya  
Venkatesh, L. Adibabu and V.  
Uma Devi, Advocates.

**AWARD**

This is a case taken under Sec. 2A (2) of the I.D. Act, 1947 in view of the judgement of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. The brief averments of the petition are : That the petitioner is appointed as an employee in Singareni Collieries Co. Ltd. as a driver on 23-6-1974 and that he discharge his duties to the fullest satisfaction of his superiors till removal from service on 22-9-98 by Respondent No. 1. That he served the Respondent company for 26 years. As per standing orders of company he was remained only 9 years of service in company. That the management foisted a single charge of absenteeism to duty for 147 days in 1997 from 30-11-97 to 9-12-97 and suspended him from 10 days. He submitted an explanation. That he attended for duty even in 1997 and 1998. The charge of absenteeism is for 147 days. He attended the remaining days. The domestic enquiry was conducted. The Petitioner did not participate in the enquiry and did not cross examine the witnesses. He is suffering from Spinal Cord Nerve problem and whenever he gets pain he used to remain absent and the same is represented to R1 and R2 in presence of several persons. No opportunity was given to the Petitioner to cross-examine the management witness.

Management had abruptly terminated the services of the Petitioner on 22-9-98. He was not served with termination order. But it was kept on notice board on seeing the same he submitted as appeal to Kothagudem but no avail. Hence, he prays to direct the Respondent to reinstate the Petitioner into service with continuity of service and attendant benefits with full back wages.

3. A counter was filed by the Respondents stating that the Respondent company operates the mines and the appropriate Government is Central Government. That Sec. 2A(2) is not applicable for Central Government establishments. That the Petitioner is an unauthorized absentee. That the Hon'ble Supreme Court in it's latest Judgement held that unauthorized absenteeism need not be condoned and the management is right in terminating the services of an unauthorized absentee.

4. That the Petitioner was appointed in the Respondent company on 23-7-74. That he was issued with a charge sheet dated 31-7-1998 for his misconduct under Company's Standing Orders No. 25.31 for his absence from duty without sanctioned leave or prior permission from his superiors for 147 days during the year 1997. An enquiry was conducted on 17-8-98 and the Petitioner has fully participated in the enquiry and he was given full opportunity to defend his case. The Enquiry Officer found guilty of the charges levelled against him. His actual musters are as under :

<u>Year</u>	<u>Actual musters</u>
1994	68
1995	89
1996	209
1997	96
1998 (Upto October)	131

5. The Petitioner had never put in 240 days of service in any year of the 5 years span. He had put in less than 100 musters in 1994, 1995 and 1997. During the enquiry, the Petitioner categorically admitted the charges levelled against him. There is no documentary evidence in support of his ailment of Spinal Cord Nerve problem. He was not served with termination order and has seen it affixed in the notice board is not true. Further, it is submitted that the Petitioner was served a second show cause notice along with the enquiry report vide letter dated 27-9-98 to give reply. He submitted a reply dated 8-10-98 which is not satisfactory. Further he submitted an appeal dated 10-11-98 to R2 to consider his case for reinstatement which found does not merit any consideration.

6. The work gets effected if any workman remains absent without prior leave or without any justified cause. It further disturbs already planned schedules without prior

notice. That is why the Respondents company is compelled to take severe action against the unauthorized absentees. As such the Respondent's company has constrained to dismiss the Petitioner for unauthorized absenteeism. Hence, the petition may be dismissed.

7. The Counsel for the Petitioner agreed that domestic enquiry is validly conducted. Arguments heard u/s 11A.

8. It is argued by the Learned Counsel for the Petitioner that the Petitioner was appointed as an employee in Singareni Collieries Co. Ltd. in June, 1974. He has put in an unblemished service for about 24 years for absenteeism of duty for 147 days in 1997. The management conducted enquiry and removed him from service. The Petitioner has put in service from 1974 to 1996 but as the Petitioner is suffering from Spinal Cord Nerve problem whenever the Petitioner used to get pain he used to remain absent from duty. His termination after working for more than 20 years is bad. Hence, he may be directed to be reinstated with back wages with continuity of service and all attendant benefits.

9. It is argued by the Learned Counsel for the Respondent that such cases of chronic absenteeism jeopardise the work of any organization. No doubt a charge has not been framed for his absenteeism but in 1994 he has put in only 68 musters, in 1995—89 musters, in 1996—209 musters, in 1997 for which the charge is framed and enquiry was conducted only 96 musters and in 1998 upto October, only 131 musters. Not only that, he categorically admitted his absence and he did not submit any documentary evidence in support of his illness. That the Hon'ble Supreme Court stated State of U.P. and others Vs. Ashok Kumar Singh and another reported in 1996 (1) SCC 302 held as follows, "... Having noticed the facts that the first Respondent has absented himself from duty without leave on several occasions" we are unable to appreciate the High Court's observations that "His absence from duty would not amount to such a grave charge". Even otherwise, on the facts of this case, there was no justification for the High Court to interfere with the punishment holding that the punishment does not commensurate with the gravity of the charge "especially when the High Court concurred with the findings of the Tribunal on facts. No case for interference with the punishment is made out." The Hon'ble Supreme Court allowed the appeal. He therefore submits that this Court may not interfere with the punishment and he deserves no sympathy.

10. It may be seen that the Petitioner has worked from 1974 and in fact he worked till his dismissal in 1998 and even according to the Respondent in 1998 till his dismissal on 22-10-98, he has put in 131 days muster rolls. It is the contention of the Petitioner that he is a driver and he is suffering from Spinal Cord Nerve problem. In the

enquiry which has been held valid I see from the enquiry proceedings where he has refused to cross-examine the witness Sri V. D. Sahastrabudhe, E.E. - MW1. Similarly, MW2 Sri G. Malleiah was also not cross-examined he examined himself and deposed that in 1994 he was operated in Singareni hospital, Godavarikhani for Spinal Cord Nerve Problem on 14-2-94. From that day onwards his health is not good. That he absented himself for 147 days in 1997. That he would be very careful. In the cross-examination he admitted that he has not taken prior sanction of the leave. In the enquiry report the officer has given the findings with reasoning and vide a detailed office order on 21-10-98 he has been dismissed from the company's service w.e.f. 22-10-98. He was appointed as a driver on 23rd June, 1974. Seeing that the absenteeism of a driver causes lot of inconvenience and no doubt no charge is framed for his prior absenteeism in 1994, 1995 when he has put in only 68 or 89 musters and even in 1996 when he has put in 209 days of musters and in 1998 upto September only 131 days of musters. When the enquiry is going on against him goes to show that either he is not willing to perform his duty sincerely or he is really sick and his sickness is Spinal Cord Nerve Problem and he is getting often pain. The correct method for him would have been to ask for the company to provide him with an alternate job. He did not represent to the company. He has not filed any single document during the enquiry also to evidence his suffering in support of his ailment. That the appeal was also dismissed. Hence, I am of the opinion that directing reinstatement of the Petitioner may not be conducive either for the company or for himself taking his averment as correct that he is suffering from Spinal Cord Nerve Problem. For such a man to drive if he gets pain it may not be good. However, seeing that from 1974 to 1994 he has not been so irregular because had it been the case it would have been mentioned in the counter. I modify the order dated 21-10-1998 dismissing the Petitioner from service into one of the compulsory retirement with all attendant benefits.

Award passed accordingly. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected by me on this the 31st day of May, 2003.

E. ISMAIL, Presiding Officer

#### Appendix of evidence

Witnesses examined for the  
Petitioner

Witnesses examined  
for the Respondent

NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 16 जुलाई, 2003

का.आ. 2340.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर (संदर्भ संख्या सी.जी.आई.टी./एल.सी./आर./215/94) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-7-2003 को प्राप्त हुआ था।

[ सं० एल.-22012/314/94-आई आर (सी-II) ]

एन.पी. केशवन, डेस्क अधिकारी

New Delhi, the 16th July, 2003

S.O. 2340.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/R/215/94) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of WCL and their workman, which was received by the Central Government on 15-7-2003.

[No. L-22012/314/94-IR (C-II)]

N. P. KESAVAN, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT JABALPUR

CASE NO. CGIT/LC/R/215/94

PRESIDING OFFICER : SHRIR. K. DUBEY

Shri Ramlal,

S/o Shri Denai, Ex-tramrer,

through Secretary,

Rashtriya Khadan Mazdoor Sangh (INTUC),

Post Chandametta,

Distt. Chhindwara (MP)

... Applicant

*Versus*

The General Manager,

Pench area of Western

Coalfields Limited,

Post Parasia,

Distt. Chhindwara (MP)

... Non-applicant

#### AWARD

Passed on this 3rd day of July, 2003

1. The Government of India, Ministry of Labour vide Order No.L-22012/314/94-IR. C-II dated 17-11-94 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of the management of Western Coalfields Limited, Pench Area is justified in terminating

the services of Shri Ramlal Son of Shri Denai of Mahadevpuri Colliery w.e.f. 8-9-93? If not, to what relief is the workman entitled to?”

2. During the pendency of the reference before this tribunal, both the parties settled their dispute and filed memorandum of settlement in Form-H before the tribunal. Settlement is signed by Shri C. Bhattacharya, General Secretary, RKKMS (INTUC), Chandametta on behalf of the workman Shri S. K. Bannerjee, Personal Manager, WCL Pench area signed the settlement on behalf of the management. After perusal of the settlement, I found it proper and legal therefore the settlement filed by both the parties is accepted. The terms of settlement are :—

i. It is agreed by the management to re-employ Shri Ramlal, S/o Shri Denai, Ex-tramrer Mahadevpuri colliery as category (I) mazdoor with posting in any one of the colliery/unit under Kanhan area of WCL as may be decided by the General Manager Kanhan area and Shri Ramlal S/o Shri Denai Ex-Tramrer will be placed in the mid point of the scale of category-I.

ii. It is further agreed that the period of absence/Idleness of Shri Ramlal Ex-tramrer i.e. non employment period from the date of termination to the date of joining at his new place of posting shall be treated as Duties-Non (No work No pay) but his past services shall be taken into account for the purpose of Gratuity only.

iii. Shri Ramlal Ex-tramrer shall submit a written assurance of good conduct and performance and regular attendance in future, before joining the duties.

iv. On re-employment at Kanhan area the performance and conduct of Shri Ramlal will be closely watched for a period of one year from the date of his joining and in case his conduct and performance are not found satisfactory his services will be terminated without any notice or assigning any reason what soever.

v. The Union/workman agreed to forgo and give up all other Claims/benefit and accept the above terms as full and final settlement of the dispute. Neither the Union nor the workman concerned shall raise any claim/dispute what soever in future at any forum or through any other Union/Agency about the subject matter covered.

vi. Shri Ramlal Ex-tramrer will not be entitled for TA for joining his duties at the new place of posting.

vii. Shri Ramlal will report for his duties to GM, Kanhan Area within a month (within 30 days) from the date of signing this settlement.

viii. This settlement settle the dispute fully and finally and it shall not be treated as precedence in any other case.

3. As no dispute remains amongst the parties, No Dispute Award is passed. Both parties themselves should bear their cost. Advocate fees is Rs.1000/-.

4. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

R. K. DUBEY, Presiding Officer

नई दिल्ली, 16 जुलाई, 2003

का. आ. 2341.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.ई.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर (संदर्भ संख्या सी.जी.आई.टी./एल.सी./आर./94/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-7-2003 को प्राप्त हुआ था।

[सं. एल- 22012/339/2000-आई आर (सी-II)]

एन.पी. केशवन, डैस्क अधिकारी

New Delhi, the 16th July, 2003

S. O. 2341.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/R/94/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 15-7-2003.

[No. L-22012/339/2000-IR(C-II)]

N. P. KESAVAN, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL -CUM-LABOUR  
COURT, JABALPUR

CASE NO. CGIT/LC/R/94/2001

PRESIDING OFFICER : SHRIR K. DUBEY,

The Secretary,  
Rashtriya Colliery Workers,  
Panchavati Niwas, Prembag,  
P.O. Baikunthpur,  
Distt. Korea ( Chhattisgarh). ... Applicant

Versus

The Chief General Manager,  
Baikunthpur Area of SECL,  
P.O. Baikunthpur,  
Distt. Korea (Chhattisgarh). ... Non-applicant

#### AWARD

Passed on this 3rd day of July, 2003

1. The Government of India, Ministry of Labour, vide Order No. L-22012/339/2000-IR(C-II) dated 28-5-2001 has referred the following dispute for adjudication by this Tribunal :—

“Whether the action of the Chief Manager, Baikunthpur area of SECL, P.O. Baikunthpur, Distt. Korea (Chhattisgarh) is not regularising Shri Pramod Kumar Singh, Sh. Zahuroodin Khan, Sh. Alen Kumar,

Sh. Jainul Mohammad, Sh. Mithilesh Prasad and Sh. Lallu Singh in the clerical grade is legal and justified? If not, what relief the workman is entitled to?”

2. During the pendency of the reference, both the parties settled their dispute and filed a settlement Form H before the tribunal. Settlement was signed by Mr. R. S. Singh, Dy. Chief General Manager, Baikunthpur on behalf of the management and on behalf of the workman by Shri Ram Praveesh Yadav, President, 1 RCWF Baikunthpur. The workman also signed the settlement form and accepted the same. It was decided by both the parties that :—

1. Pay and wages of the workman received by him at present should be protected.
2. Workman confirmed are regularised on the Clerk Grade-III from the date of settlement which is 22nd January, 2003.
3. No back wages or arrears be given to the workman which arises to this confirmation or regularisation.
4. As no dispute remains amongst the parties, No Dispute Award is passed. Both the parties themselves should bear their cost. Advocate fees is Rs. 1000/-.
5. Copy of the Award be sent to the Government of India, Ministry of Labour as per rules.

R. K. DUBEY, Presiding Officer

नई दिल्ली, 16 जुलाई, 2003

का. आ. 2342.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एन.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर (संदर्भ संख्या सी.जी.आई.टी./एल.सी./आर./206/92) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-7-2003 को प्राप्त हुआ था।

[सं. एल- 22012/164/92-आई आर (सी-II)]

एन.पी. केशवन, डैस्क अधिकारी

New Delhi, the 16th July, 2003

S. O. 2342.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/R/206/92) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of NCL and their workman, which was received by the Central Government on 15-7-2003.

[No. L-22012/164/92-IR(C-II)]

N. P. KESAVAN, Desk Officer



**ANNEXURE**

**BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL -CUM-LABOUR  
COURT, JABALPUR**

**CASE NO. CGIT/LC/R/206/92**

**Shri R. K. Dubey, Presiding Officer**

The Secretary,  
Rashtriya Colliery Mazdoor Sangh,  
INTUC, P.O. Jayant Colliery,  
Distt. Sidhi. ... Applicant

**Versus**

The Chief General Manager,  
Jayant Project of NCL,  
P.O. Jayant Colliery,  
Distt. Sidhi. ... Non-applicant

**AWARD**

Passed on this 26th day of June, 2003

1. The Government of India, Ministry of Labour, by its Order No. L-22012/164/92-IR(C-II) dated 1-10-1992 has referred the following dispute for adjudication by this Tribunal :—

“Whether the action of the General Manager, Jayant Project of Northern Coalfields Ltd., P.O. Jayant Colliery, Distt. Sidhi in dismissing Shri Mohd. Murtaza, UDC, Jayant Project w.e.f. 22-11-89 is legal and justified. If not, what relief the workman is entitled to?”

2. The brief facts of this case are that the workman Shri Mohd. Murtaza worked as bill clerk and UDC, Jayant Project. His main duty is to prepare the bills for the payment of workers and other employees and fill the entries in the registers connected with the Accounts. At the time of audit, it is found that the bills prepared by the workman Mohd. Murtaza are not correct. Some employees received more wages and over time than their legal due and some employees received less wages but the total of the bill is tallied with the main cash register and acquaintance. The Departmental enquiry held up against the workman as the workman was found guilty he was dismissed from his service from 22-11-89.

3. The workman challenged the proceedings of the departmental enquiry and submitted that the action taken against him was very harsh and severe looking into the errors alleged to be committed by him. It is also submitted that the so-called mistakes were bona fide. It was prayed on behalf of the workman that his dismissal order should be set aside and the workman should be put into the service with all benefits.

4. Management on the other hand in his reply submitted that the enquiry conducted by the Enquiry Officer is just and proper. Workman is a bill clerk. Mistakes committed by him clearly shows his mala fide intention

therefore he was not fit for a job therefore he was rightly dismissed.

5. My predecessor Shri K.M. Rai framed the issues on 16-3-2001 and he decided the issue Nos. 1, 2 and 3 as preliminary issue by holding that the enquiry is just, proper and legal. Issue No. 4 is whether the punishment awarded is proper and legal?

6. In this respect it is clear from the audit report and the DE report that the workman applicant intentionally entered the entries of the bills and acquaintance register. In the enquiry workman clearly admitted his mistakes. His defence is that when any employee received more wages than due in any month, then the amount is adjusted against him in the next month. But it is clear that defence is not reasonable. It is also important to note that the total amount of the bill and the total amount of cash remains the same but the workman entered more amount than due against some of the selected workers and some employees received less payment. This fact clearly shows that the entries made by the workman applicant is intentionally and mala fide. The workman worked as a bill clerk therefore such type of mistakes cannot be expected from him. These mistakes amounts mis-appropriation. Honourable Supreme Court in *Janta Bazar (South Canara Central Cooperative Whole Sale Stores Ltd. and Ors. versus Secretary, Sahakari Nougkarara Sangh and others 2000) 7-SCC-517* held that in the case of mis-appropriation, sympathy for dismissal is uncalled and punishment of dismissal is proper.

7. It is clear from the above facts that the action taken by the management against the workman is proper and justified as the management's action resulting the dismissal of workman is proper. No interference in the matter is necessary.

8. Regarding issue No. 5, as the dismissal of workman is proper and justified. No relief be granted to the workman. Looking into the circumstances of the case, it is ordered that both the parties should bear their own cost. Advocate fees is Rs. 1000/-.

9. The reference by the Ministry is answered that the action of the General Manager, Jayant Project of NCL in dismissing Shri Mohd. Murtaza, UDC, Jayant Project is legal and justified and the workman is not entitled to any relief.

10. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

**R. K. DUBEY, Presiding Officer**

नई दिल्ली, 18 जुलाई, 2003

का. आ. 2343.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय नार्दन कोलफील्ड्स लिमिटेड प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर (संदर्भ संख्या 128/97) को उक्त

केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय के आदेश दिनांक 26-7-2002 सहित है।

[ सं० एल-22012/298/96-आईआर(सी-II) ]

एन.पी. केशवन, डेस्क अधिकारी

New Delhi, the 18th July, 2003

**S. O. 2343.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 128/97) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur alongwith order dated 26-7-2002 of the said CGIT/LC as shown in the Annexure I and II in the Industrial Dispute between the employers in relation to the management of Northern Coalfields Limited and their workman.

[No. L-22012/298/96-IR(C-II)]

N. P. KESAVAN, Desk Officer

#### ANNEXURE II

BEFORE SRI R. P. PANDEY PRESIDING OFFICER  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-  
CUM-LABOUR COURT, SARVODAYA NAGAR,  
KANPUR

Industrial Dispute No. 128 of 97

In the matter of dispute between

Joint Secretary,  
Coalfield Labour Union,  
Camp House No. 230 Post Office,  
Bina Project, District Sonbhadra.

AND

General Manager,  
Northern Coalfield Limited,  
Bina Project, Post Office Bina,  
Distt. Sonbhadra.

#### ORDER

With reference to the letter dated 22nd April, 2002 sent by Sri P. P. Mitra, Director, Ministry of Labour, New Delhi, I have examined the matter in the light of the facts and circumstances of the case. The original award given by this tribunal in I.D. Case No. 128/97 P. S. Pandey versus NCL is on the record of the case. This award has granted relief to the workman in the last paragraph of the award, which is as under :—

My award is that non-promotion of the concerned workman by the management as Dumper Operator Gr. II or Gr. I is justified. However, I direct that another opportunity should be given to the concerned workman within one year of the publication of this award to appear in the test. If he clears he will be entitled for promotion otherwise it will be open to the management to deal his case as warranted by law. In any case if such test is not held within one year

from the publication of award the concerned workman will be deemed to have cleared the test of dumper operator and will be entitled for the post after expiry of one year from the date of award.

From the perusal of the award, which has been published in the Gazette, it is clear that some mischievous person has made interpolation in the last paragraph of the award by adding "not" in the third line, 5th line and in the 10th line of the last paragraph of the award, which has rendered the published copy of the award erroneous. The true copy of the award which was sent to the Ministry by this tribunal has also been received which shows the aforesaid interpolation in the last paragraph of the award which has deprived the workman from the benefits which have been granted to him by this tribunal. The aforesaid act of interpolation in the award has rendered the published award erroneous, which is liable to be ignored.

This Tribunal/Court has such ancillary/incidental powers as are necessary to discharge its functions effectively for the purposes of doing justice between the parties. [See Grindlays Bank Ltd. versus Central Government Industrial Tribunal and others FLR 1981 (42) of 88]. In this case as injustice has been done to the workman by publication of the erroneous award I consider it necessary that erroneous award as published in the Gazette should be ignored and the correct award as is available on the record of I.D. Case No. 128/97 be published in the Official Gazette for doing justice between the parties.

Accordingly, I hereby order that the erroneous award published in the Gazette dated 30-11-98 be ignored and the correct award whose six attested true copies have been sent to the Ministry of Labour by this tribunal vide letter No. CGIT/01/Misc/2001 dated 17-5-2001, be published in the Official Gazette so that injustice done to the workman may be undone and he may get the fruits of the real award given by this tribunal.

R. P. PANDEY, Presiding Officer

#### ANNEXURE I

BEFORE SRI B. K. SRIVASTAVA PRESIDING OFFICER  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-  
CUM-LABOUR COURT, PANDU NAGAR, DEOKI  
PALACE ROAD, KANPUR

Industrial Dispute No. 128 of 1997

In the matter of dispute between

The Joint Secretary,  
Coalfield Labour Union,  
Camp House No. 230, Post Office  
Bina Project, District Sonbhadra.

AND

General Manager,  
Northern Coalfield Limited,  
Bina Project, Post Office Bina,  
Distt. Sonbhadra.



**APPEARANCE:**

O. P. Mathur for the workman and V. K. Gupta for the Management.

**AWARD**

1. Central Government, Ministry of Labour, vide notification No. L-22012/298/96-I.R.D-II dated 24-7-97 has referred the following dispute for adjudication to this Tribunal :—

“Whether the demand of Coalfields Labour Union Singrauli Zone for promoting Sri P.S. Pandey, Dumper Operator (Trainee) Bina Project of NCL as Dumper Operator Gr. II w.e.f. 7-10-87, Dumper Operator Gr. I w.e.f. 7-10-89 and for Sr. Dumper Operator alongwith his other colleagues is legal and justified? If so to what relief is the workman entitled and from which date ?

2. There is no dispute that the concerned workman Prem Sagar Pandey was engaged as Mazdoor Driver on 7-1-83, later on he was given driver category 5 on 8-11-83. He was sent for training as Dumper Operator.

3. The case of the concerned workman is that he had clear training in April 1987, hence he became entitled for promotion as Dumper Operator Juniors to him have been promoted in Gr. II on 26-2-87 and Gr. I on 7-10-89. As the concerned workman had cleared the training he is also entitled for promotion as Dumper Operator Gr. II w.e.f. 7-10-87 and Gr. I w.e.f. 7-10-89.

4. In the written statement it has been alleged by the management that during the course of training the work and conduct of concerned workman was not satisfactory. He was short of attendance. He did not undertake training. Subsequently he was issued chargesheet as well on 19-3-90 for manhandling. He also did not appear in interview, hence he is not entitled for promotion.

5. In the rejoinder it was alleged that during the course of training the concerned workman was not given proper vehicle hence he could not do work.

6. In support of his case the concerned workman Prem Sagar Pandey W.W. 1 has examined himself. Besides he has filed host of papers some of which are by way of complaint to show that he had made complaint regarding difficulty of vehicle. In rebuttal there is evidence of Ashok Kumar Srivastava M.W. 1. Management have also filed papers.

7. It is to be seen if the concerned workman was not promoted for want of satisfactory work. In this regard as said earlier there is evidence of A.K. Srivastava. There are copies of memos Ext. M-4 to M-19 to show that from 20-5-87 to 7-12-87. The management had been regularly issuing memos showing that his work was not satisfactory. Further he did not attend the training regularly. In this way there is shortage of attendance. There is Ext. M-20 to M-26 by which the concerned workman was asked to appear in

test. On the other hand workman had filed copies of application to show that he had been ventilating his grievance to show that he was not given proper vehicle.

8. Having considered this evidence I am inclined to accept the version of the management as it find support from regular memos issued to the concerned workman during the course of training it cannot be said that these documents have been manipulated for the purpose of this case. I am further of the view that the objection of the workman regarding defence in supply of vehicle, is after thought and has been given to overcome his shortcoming. In view of it I believe the version of the management and hold that work of the concerned workman was not satisfactory during the course of training. Hence my finding is that he was rightly not promoted. If his work and conduct is not satisfactory. He cannot make any grievance that juniors to him have been promoted. However there is one objection to the conduct of management. If the work and conduct of concerned workman was not satisfactory during the course of training he ought not to have allowed to continue as Dumper Operator for such a length of time. He should have been reverted to his original post. In these circumstances I would like to make my award as under :—

My award is that non promotion of the concerned workman by the management as Dumper Operator Gr. II or Gr. I is justified. However, I direct that another opportunity should be given to the concerned workman within one year of the publication of this award to appear in test. If he clears he will be entitled for promotion otherwise it will be open to the management to deal his case as warranted by law. In any case if such test is not held within one year from the publication of award the concerned workman will be deemed to have cleared the test of Dumper Operator and will be entitled for the post after expiry of one year from the date of award.

Dated 16-11-1998

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 23 जुलाई, 2003

का. आ. 2344.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कोचीन डॉक लेबर बोर्ड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, अर्नाकुलम के पंचाट (संदर्भ संख्या 14/96) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-7-2003 को प्राप्त हुआ था।

[ सं० एल- 35012/1/96-आई.आर. (एम) ]

सी. गंगाधरन, अवर सचिव

New Delhi, the 23rd July, 2003

S. O. 2344.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 14/96)

of the Labour Court, Ernakulam as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Cochin Dock Labour Board and their workman, which was received by the Central Government on 23-7-2003.

[No. L-35012/1/96-IR(M)]

C. GANGADHARAN, Under Secy.

#### ANNEXURE

IN THE CENTRAL GOVERNMENT LABOUR COURT,  
ERNAKULAM

(IN THE LABOUR COURT, ERNAKULAM)

(Monday, the 12th day of May, 2003)

Smt. N. Thulasi Bai, B.A.L.L.B., Presiding Officer

Industrial Dispute No. 14 of 1996 (C)

Between :

The Secretary and Personnel Officer, Cochin Dock Labour Board, P. B. No. 644, W/Island, Cochin - 682 003.

AND

The workman of the above concern Sri. C. K. Hamsa, House No. 4/1514, Athikari Valappu, Cochin - 682 001.

Representations :

M/s. Menon & Pai, ... For Management  
Advocates,  
Ernakulam.

Sri. A. X. Varghese, ... For Workman  
Advocate,  
Niyamavedi,  
Ernakulam.

#### AWARD

This reference was made by the Central Government as per Letter No. L-35012/1/96-IR (Misc.) dated 31-5-96. The dispute is between the Secretary and Personnel Officer, Cochin Dock Labour Board, P. B. No. 644, W/Island, Cochin and Sri. C. K. Hamsa. The dispute referred is :

"Whether the action of the management of Dock Labour Board in not considering the claim of Sri. C. K. Hamsa to include his name in the seniority list of rank casual worker (Mazdoor) is justified? If not, what relief the workman is entitled to?"

2. Pursuant to notices issued from this court the workman and management appeared through counsel.

3. The workman filed a claim statement and management filed a written statement. Thereafter no rejoinder was filed and the case was pending for adducing evidence by the workman. In spite of repeated chances the workman has not turned up to adduce evidence. Today the case was posted for evidence with an order of "very last chance". But the workman and counsel were absent and the management's counsel was present. Thus I am satisfied

that the workman is not interested in prosecuting the reference thereby it can be found that there exists no industrial dispute at present to be adjudicated by this court.

Dictated to the Confidential Assistant, transcribed and typed out by her, corrected by me and passed this the 12th day of May, 2003.

Ernakulam.

N. THULASI BAI, Presiding Officer

नई दिल्ली, 23 जुलाई, 2003

का. आ. 2345.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एल. आई. सी. ऑफ इंडिया के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2, धनबाद के पंचाट (संदर्भ संख्या 313/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-7-2003 को प्राप्त हुआ था।

[सं० एल-17011/3/99-आई.आर. (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 23rd July, 2003

S.O. 2345.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 313/99) of the Central Govt. Industrial Tribunal-cum-Labour Court, Dhanbad No. 2 as shown in the Annexure, in the industrial dispute between the management of LIC of India and their workmen, received by the Central Government on 23-07-2003.

[No. L-17011/3/99-IR(B-II)]

C. GANGADHARAN, Under Secy.

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri B. Biswas, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)  
(d) of the I.D. Act, 1947

Reference No. 313 of 1999

PARTIES :

Employers in relation to the management of L.I.C.,  
Patna and their workman.

APPEARANCES :

On behalf of the workmen : None

On behalf of the employers : None

State : Jharkhand Industry : Bank II

Dated, Dhanbad, the 23rd July, 2003

**ORDER**

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1) (d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-17011/3/99-IR (B-II), dated the 18/21, October, 1999.

**SCHEDULE**

"Whether the action of the management of LIC of India is not appointing one additional cashier against the regular vacancy in the Divisional Office, Patna as explained by the union in the instant dispute is justified? If not, what relief is the union entitled to?"

2. In this reference neither of the parties turned up before this Tribunal. It is seen from the record that the instant reference was received by this Tribunal on 8-12-99 and since then it is pending for disposal. Registered notices and show cause notices were issued to the workman as well as the management but in spite of the issuance of notices they failed to turn up. In terms of Rule 10 B of the I.D. Central Rules, 1957 submission of W.S. by the concerned workman within 15 days is a mandatory one. The concerned workman not only violated the said provision of the Rules but also did not consider necessary to give any response to the notices issued by this Tribunal. In natural course the question which will arise is what will be the fate of the reference made on the basis of dispute raised by the concerned Workman/Union. Naturally responsibility rests with the concerned workman/union and the management to assist the Court to dispose of the reference in issue on merit. In view of the decision reported in 2002(94) FLR 624 it will not be just and proper to pass 'No dispute' Award when both the parties remain absent. There is also no scope to answer the reference on merit in absence of any W.S. and available documents. There is no dispute to hold that when any reference is made it is expected to be disposed of on merit but when the parties do not take any step or do not consider even to file W.S. such expectation to dispose of the reference on merit comes to an end. It is not expected that for years together the court will pursue the matter *suo moto* with the expectations for appearance for the workman and the management in spite of issuance of registered notices. As per I.D. Act the workman excepting under provision of Section 2 A is debarred from raising any industrial dispute. The disputes are mainly raised by the union for their workman. These unions in spite of receiving notices do not care to appear before the Court for the interest of the workman and as a result they have been deprived of getting any justice until and unless the attitude of the union is changed. I consider that this uncalled for situation will persist. Definitely it is the duty of the Court to dispose of the reference on merit but it depends on the cooperation of both sides. Here the record will clearly expose that sufficient opportunities had been given to the workman/union but yielded no result. This attitude shows clearly that the workman side is not

interested to proceed with the hearing of the case for disposal on merit.

Under the facts and circumstances, I also do not find any sufficient reason to drag on the case for an indefinite period. Accordingly as there is no scope to dispose of the reference in question on merit, the same is closed.

B. BISWAS, Presiding Officer

नई दिल्ली, 23 जुलाई, 2003

का. आ. 2346.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नेशनल इश्यूरेन्स कं. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2, मुम्बई के पंचाट (संदर्भ संख्या 2/1/ऑफ 2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-7-2003 को प्राप्त हुआ था।

[सं० एल- 17011/7/2002-आईआर (बी- II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 23rd July, 2003

S. O. 2346.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 2/1 of 2003) of the Central Government Industrial Tribunal-cum-Labour Court, Mumbai No. 2 as shown in the Annexure, in the industrial dispute between the management of National Insurance Co. Ltd. and their workman, received by the Central Government on 23-07-2003.

[No. L-17011/7/2002-IR(B-II)]

C. GANGADHARAN, Under Secy.

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI****PRESENT:**

S. N. Saundankar Presiding Officer

Reference No. CGIT-2/1 of 2003

Employers in Relation to the Management of  
M/s. National Insurance Company Ltd., Mumbai

The Divisional Manager,  
M/s. National Insurance Company Ltd.,  
Jamshedji Tata Road, Churchgate,  
MUMBAI-400 020.

V/s.

**THEIR WORKMAN**

The Joint Secretary,  
General Insurance Employees Union,  
232, D.N. Road, Fort,  
MUMBAI-4000 01.

**APPEARANCES:**

For the Employer : No Appearance.

For the Workman : Mr. S.G. Ashetkar,  
Advocate

Mumbai, dated 30th June, 2003

### AWARD

The Government of India, Ministry of Labour by its Order No. L-17011/2/2002/IR (B-II) dated 18-6-2002 in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication :

“Whether the action of the Management of National Insurance Co. Ltd., Mumbai in terminating the services of Shri Sanjay H. Gond is legal and justified? If not, what relief the employee is entitled to?

2. On receipt of the reference notices were sent to the parties concerned and in response to that workman appeared and filed Claim Statement (Exhibit-7) contending that he was employed as Typist by the management in the Office No. 9 under Divisional Office, Mumbai. He was getting Rs. 1200/- per month from January 1997 to November 1997. It is contended after completion of 240 days workman by the letter dated 30th August, 1999 had requested the management company to regularise his services, however, instead regularising him, he was instructed not to come for work without following the provisions under Section 25F and B of the Industrial Disputes Act. It is averred that work was taken from the workman un-officially till 28-2-2000. It is contended since workman was not regularised, union had approached the A.L.C. (C), Mumbai by the latter dated 3rd January, 2001 who in turn, tried Conciliation but failed. Workman, therefore, contended to direct the Insurance Company to reinstate him in service with full back wages. It is seen from the record management though served vide (Exhibit-4) did not appear since beginning nor filed written statement, consequently, claim proceeded ex-parte and the workman was directed to file affidavit in support of his claim, and that accordingly, he has filed affidavit (Exhibit-10) reiterating the recitals in the claim statement. This sworn testimony has gone unchallenged, wherein he has stated that he worked continuously more than 240 days and that he was terminated without following the provisions of the Industrial Disputes Act, therefore, there is no alternate except to direct the management to reinstate him with full back wages and hence the order :

### ORDER

The action of the management of National Insurance Co. Ltd., Mumbai in terminating the services of Shri Sanjay H. Gond is not legal and justified.

Management is directed to reinstate the workman in service with full back wages and consequential monetary reliefs.

S. N. SAUNDANKAR, Presiding Officer  
नई दिल्ली, 23 जुलाई, 2003

क्रा. आ. 2347.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार

एल. आई. सी. ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जयपुर के पंचाद (संदर्भ संख्या 13/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-7-2003 को प्राप्त हुआ था।

[सं० एल-17013/8/98-आईआर(बी-II)]

सी. गंगाधरन, अवर सचिव

New Delhi, the 23rd July, 2003

**S. O. 2347.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 13/99) of the Central Government Industrial Tribunal-cum-Labour Court, Jaipur as shown in the Annexure, in the Industrial Dispute between the management of LIC of India and their workman, received by the Central Government on 22-07-2003.

[No. L-17013/8/1998-IR(B-II)]

C. GANGADHARAN, Under Secy.

### ANNEXURE

### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JAIPUR

CASE NO. CGIT-J/13/99

Reference No. L-17013/8/98-IR(B-II)

Smt. Gulab Devi,  
Th. Shri Rishab Chand,  
80, Bajrang Vihar,  
Near Gopalpura  
Railway Phatak, Jaipur . . . . . Applicant

### Versus

The Sr. Divisional Manager,  
L.I.C. of India,  
Jeevan Prakash,  
Bhawani Singh Road,  
Jaipur . . . . . Non-applicant

**PRESENT:** Presiding Officer : Sh. R.C. Sharma

For the applicant : Sh. R.C. Jain

For the non-applicant : Sh. T.P. Sharma.

Date of award : 09-05-2003

### AWARD

1. The Central Government in exercise of the powers conferred under clause D of Sub-sections 1 and 2(A) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter referred to as the Act) has referred the following industrial dispute for adjudication to this Tribunal which runs as under :—

“Whether the action of Sr. Divisional Manager, LIC of India, Jaipur in not paying part-time wages as per

NIT, Bombay award dated 1-1-82 to the workwoman Smt. Gulabi Devi is justified? If not, what relief the workwoman is entitled to and from which date?"

2. The applicant in her statement of claim has averred that she was engaged by the non-applicant as a part-time water-woman from 1976 on the payment of Rs. 60/- per month, which was increased to the tune of Rs. 100/- per month from August, 1990. She worked in the establishment for two hours a day and is covered by the category of part-time workwoman, who is required to be paid the wages as per the direction contained in the award dated 01-01-82 of the National Industrial Tribunal, Bombay (for short NIT). The workwoman has alleged that she has been no wages since from May, 1997 and she was intimated during the course of the conciliation proceedings that her service has been terminated w.e.f. 1-5-97. Therefore, the workwoman has prayed that she may be granted the proportionate wages from 1-1-82 to 30-4-97 in accordance with the directions of the NIT award.

3. Resisting the claim, the non-applicant in its written statement has stated that the workwoman was engaged on contract for filling the drinking water only in 2 to 5 water pots per day, who was paid from Rs. 60/- to Rs. 100/- per month, that she was not engaged as part-time workwoman and that her writ petition no. 3147/91 has been dismissed by the Hon'ble High Court vide its judgment dated 10-10-95 and subsequently, her special appeal was also dismissed by the Hon'ble High Court vide its judgment dated 11-9-98.

4. In the evidence, the workwoman has filed her affidavit. In the defence, the counter-affidavits of MW-1, Sh. R. K. Sharma, the non-applicant and MW-2, Sh. S.S. Mehta, Sr. Branch Manager have been filed.

5. The workwoman in support of her claim has placed on record Ex. W-1, a letter written by the Manager of the non-applicant establishment to the Branch Manager with regard to the increase in the monthly wages of Smt. Gulabi Devi. Ex. W-2 is a letter written by the Branch Manager to the Senior Divisional Manager for increase in the wages of the applicant. Ex. W-3 is a letter addressed to the Divisional Officer whereby the wages of the applicant was increased to Rs. 100/- per month. In addition to these documents, a copy of the extract of aforesaid NIT award dated 17-4-86 has also been placed on record.

6. The non-applicant has exhibited the two judgments of the Hon'ble High Court Ex. M-1 and M-2 respectively.

7. I have heard both the parties and have gone through the record.

8. The Ld. representative for the applicant has argued that as per the NIT award, the applicant is entitled to get her proportionate wages from 1-1-82 to 30-4-97. He has

further argued that the non-applicant has admitted that workwoman was devoting 2 hours a day for filling the water, but no written contract has been placed on record by the non-applicant. He submits that the claimant was working as part-time water-woman who is entitled to get the proportionate wages from 1-1-82 to 30-4-97.

9. Arguing contra, the Ld. representative for the non-applicant submits that the case of the workwoman has already been rejected by the Hon'ble High Court and that she is not governed by the NIT award. In support of his contention, he has drawn my attention towards the judgments Ex. M-1 and M-2. He has also submitted a copy of the judgment dated 14-4-97 rendered by the Hon'ble DB, Rajasthan High Court in the matter of Gopal Lal Gurjar Vs. LIC of India and Anr.

10. I have considered the rival contentions advanced by both the parties and have perused the judgments placed on record.

11. Out of the rival contentions advanced by both the ld. representatives, the following questions emerge out for consideration :—

- (i) Whether the applicant was engaged by the non-applicant management as waterwoman?
- (ii) Whether she worked for two hours a day?
- (iii) Whether she is entitled to get the wages in terms of the NIT award dated 17-4-86?

12. The workwoman has adopted a clear stand that she was engaged by the non-applicant establishment for filling the drinking water in the office on contract basis and she devoted 2 hours in discharging her duty. In her affidavit, she has categorically stated that she worked for 2 hours in a day and has denied the fact that she was engaged to fill the water only in 2 waterpots a day. As against the deposition of the applicant, the evidence of the non-applicant, Sh. R.K. Sharma, the Manager of the establishment and the evidence of Sh. S.S. Mehta, Sr. Branch Manager under whom the applicant is stated to have performed the duty have been adduced. Both these witnesses have deposed in their affidavits respectively that the workwoman was engaged only to fill the water in 2 to 4 waterpots, which took only 5 to 7 minutes a day and that she was not engaged as a part-time workwoman.

13. MW-1, Sh. R.K. Sharma in his cross-examination has admitted that the workwoman has never worked under his supervision. He has also further admitted this fact also that no written agreement was entered executed between the parties and as per his version, the order of employment of the workwoman was orally given by MW-2, Sh. S.S. Mehta, the then Sr. Branch Manager. Similarly, MW-2,

Sh. Mehta, too, has admitted this fact that no written agreement was executed between the parties. Although he has deposed that the workwoman had worked in the office under his supervision, but he could not be able to disclose as to for how many period she had worked in the office. Furthermore, he has denied even this fact that he had employed the waterwoman for the said purpose.

14. On scrutinizing the evidence available on the record, the version of the applicant appears trustworthy on this point that she was engaged by the non-applicant establishment for filling the water and that she devoted 2 hours a day carrying out this job during her employment period. The testimony of both the witnesses examined on behalf of the non-applicant establishment is vague and cannot be relied upon. Therefore, this fact stands proved that the workwoman was engaged by the non-applicant establishment for the said purpose who worked for 2 hours a day in the office.

15. The oral evidence adduced on behalf of the workwoman also further finds support from the documentary evidence placed on record on her behalf. As indicated earlier, Ex. W-1, W-2 and W-3 are the letters written by the officers of the non-applicant establishment which pertain to the present controversy. Ex. W-1 is a letter written by the Manager of the non-applicant establishment wherein it has been admitted that Smt. Gulabi Devi is working with the establishment which states that "Smt. Gulabi Devi is filling drinking water ..(illegible).. BO-III and devoting 2 hours daily." This letter recommends the increase in her wages. Similarly, Ex. W-2 is a letter written by the Branch Manager to the Sr. Divisional Manager justifying the increase in her wages and it also states that she is devoting 2 hours daily in fulfilling her duties. Therefore, on the basis of the documents belonging to the non-applicant establishment, this fact too has been proved that the workwoman was engaged by the non-applicant establishment to fill the drinking water in the office who discharged her duty for two hours a day.

16. The only pertinent point which is left to be adjudicated now is as to whether the workwoman is entitled to get the wages in terms of the NIT award.

17. It has been argued on behalf of the workwoman that the case of the workwoman is covered by the NIT award, whereas the Ld. representative for the non-applicant has tried to controvert this argument.

18. It is not disputed that the NIT award was made effective w.e.f. 1-1-82. The Ld. representative for the workwoman has drawn my attention towards the observation made in the NIT award at its page 6, at para 17 which deals with the non-revision of wages for casual labour and it has also referred one of such categories "waterwoman". At para 19, it has also dealt with the case of the badli, temporary and part-time workmen for the same

work which is obtained from other workmen such as sweepers, watchmen, liftmen and waterwomen, etc. Therefore, the submission made on behalf of the workwoman that the case of the waterwoman is also covered by the said NIT award finds strength from the aforesaid observation made in the said award. The award has adjudicated with regard to the payment of the proportionate wages to such workmen and has observed as under :—

**"Such substitute part-time employees, therefore, would not be entitled to any other benefit other than the one indicated below. Wages which should be paid to these part-time workmen should be determined per hour. The minimum period of employment of part-time workmen per day should not however, be less than 2 hours on any day, and every period less than half an hour being rounded off to half an hour and every period over half an hour rounded off to one hour. The rate of wage per day for such part-time workmen should be calculated in accordance with the following ratio 1/30th of the normal wage which is paid to a regular employee doing the same kind of work with the Corporation together with an additional 25% thereof."**

19. Thus, the award has recommended the minimum period of employment of part-time workmen per day which should not be less than 2 hours on any day. In the light of this observation, the case of the workwoman appears to be a similar case to that of a part-time workman, who has successfully established this fact that she had worked for two hours a day while discharging her duty assigned to under an oral agreement. Hence, in the terms of the NIT award quoted supra, she becomes entitled to get the proportionate wages for the work done by her during her employment period.

20. The Ld. representative for the non-applicant has assailed the claim of the workwoman on this point that her claim had already been rejected by the Hon'ble High Court. The non-applicant in support of his contention has filed the two judgments of the Hon'ble Rajasthan High Court Ex. M-1 and M-2 respectively. Ex. M-2 is the judgment of the Hon'ble Single Bench dated 10-10-95 wherein at para 11, the case of the workwoman Smt. Gulabi Devi is discussed. I have perused it carefully and it has been observed at para 11 by the Hon'ble Court that Smt. Gulabi Devi has prayed that "she be allowed the regular pay-scale which is allowed to the Class IV employees." It suggests that before the Hon'ble Court the workwoman has pleaded to grant her the regular pay-scale which is admissible to class IV employees. The Hon'ble Court has held that the service conditions have to be regularized on the basis of the rules and regulations framed under the Act and it was held that she is not entitled for the regularization of her service. It was, therefore, a case for considering the regularization of



her service and the instant controversy was not involved in the referred case. In the present dispute, the applicant has not prayed for her regularization of the service, but she has only made a prayer to award her proportionate wages in terms of the NIT award. Similarly, the judgment Ex. M-1 dated 22-8-97 of the Hon'ble DB is rendered in the DB special appeal filed against the judgment of the Single bench dated 10-10-95 whereby DB special appeal has been dismissed. It has also been held in this judgment that Smt. Gulabi Devi is not entitled for her regularization of service or regular pay-scale.

21. The Id. representative has also submitted a copy of the judgment dated 14-4-97 passed by the Hon'ble DB, Rajasthan High Court in the matter of **Gopal Lal Gurjar Vs. LIC of India and Anr.** and has argued that the NIT award is not applicable in the present dispute on the basis of the observations made in the referred case. It appears that in the referred case, the workman was initially engaged as Gardner in the office of Divisional Manager, LIC who subsequently petitioned that he is entitled for consideration of regularization as per the terms of the NIT award. Looking to his length of service and actual work performed by him, he had claimed regularization on the post of the Gardner or on any other equivalent post with the management. His petition was dismissed by the Single bench and the DB special appeal thereof was also dismissed. Obviously, it was a case of regularization of the service on the basis of the work performed by the appellant.

22. Thus, in all these referred judgments, the prayer made by the workmen was entirely different from the relief sought in the present dispute and as such, these judgments are not applicable to the controversy in hand. In the present dispute, the workwoman has claimed the proportionate wages in terms of the NIT award. Hence, the submission made on behalf of the non-applicant is devoid of the substance and is accordingly rejected.

23. On the basis the aforesaid analysis, it is concluded that the workwoman has been able to establish her claim, which deserves to be allowed. Accordingly, the reference is answered in the affirmative in favour of the workwoman and it is held that the workwoman Smt. Gulabi Devi is entitled to get the proportionate wages from 1-1-82 to 30-4-97 in accordance with the observations made in the NIT award which are reproduced at para 18 of this award.

R.C. SHARMA, Presiding Officer

नई दिल्ली, 23 जुलाई, 2003

**का.आ. 2348.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में केन्द्रीय सरकार एल. आई. सी. ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/

श्रम न्यायालय नं. 2, मुम्बई के पंचाट (संदर्भ संख्या 2/89 ऑफ 2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-7-2003 को प्राप्त हुआ था।

[सं० एल- 17012/12/2000-आई०आर०(बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 23rd July, 2003

**S.O. 2348.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 2/89 of 2000) of the Central Government Industrial Tribunal-cum-Labour Court, Mumbai No. 2 as shown in the Annexure in the Industrial Dispute between the management of LIC of India and their workman, which was received by the Central Government on 23-07-2003.

[No. L-17012/12/2000-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL NO. 2**

**MUMBAI**

**PRESENT**

S. N. Saundankar  
Presiding Officer

REFERENCE NO. CGIT-2/89 OF 2000

**EMPLOYERS IN RELATION TO THE  
MANAGEMENT OF LIC OF INDIA,  
KOLHAPUR DIVISION**

The Sr. Divisional Manager,  
LIC of India Ltd.,  
Kolhapur Divisional Office,  
Centre-Point Complex,  
511 K/1 A, E Ward,  
Post Box No. 257,  
Station Road,  
Kolhapur-416 001.

V/s.

Their Workman

Shri Prakash R. Jaitapkar,  
At & Post Oros Budruk,  
Tal. Kudal,  
Dist. Sindhudurg,  
(Maharashtra).

**APPEARANCES:**

For the Employer : Mr. V. W. Bapat,  
Representative.

For the Workman : Mr. A.S. Deo,  
Representative.

Mumbai Dated the 29th May, 2003

### AWARD

The Government of India, Ministry of Labour by its order No. L-17012/12/2000/IR (B-II) dated 15-09-2000 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of M/s. LIC of India, Kolhapur Division in removing Shri Prakash R. Jaitapkar, Record Clerk of Kankavli Branch from the services w.e.f. 29-12-1997 and treating his period of absence as ‘Dies-Non’ is legal and justified? If not, what relief the workman is entitled for?”

2. Workman Jaitapkar was appointed initially as Sub-Staff in 1983, however, later on he was promoted, and that at the time of holding inquiry he was working as Record-Clerk in Kankavli Branch, District Sindhudurg. Union vide Statement of Claim (Exhibit-5) averred that workman though earned his promotion was issued chargesheet as he was union activist on 9-4-1996, 11-4-1996, 2-5-1996 to find him guilty and that eventually he was given chargesheet on 17-3-1997 for the unauthorised absence from duty and not obeying the order of the superiors. It is pleaded that Mr. Damale was appointed as Inquiry Officer to hold inquiry of that chargesheet, however, inquiry was conducted against the principles of natural justice and fair play. It is pleaded by the union that workman had replied the chargesheet dtd. 17-3-97 on 15-6-97, however, since he reached late the Inquiry Officer taking that chance, held the inquiry Ex-parte against him, holding workman was guilty. It is averred that charges levelled against the workman were vague and unspecific, Disciplinary Authority was vindictive against him and that though he did not commit any irregularity much less misconduct, he was held guilty and that the Disciplinary Authority based on the inquiry report dated 9-10-97, removed him from the service illegally. It is contended by the union that workman was not given fair opportunity and that procedure was not properly followed and that findings of the Inquiry Officer are biased, therefore, the inquiry vitiates. It is, therefore, the contention of union that since inquiry was not proper vitiates and therefore it be set aside.

3. Management Corporation resisted the claim of union by filing Written Statement (Exhibit-10) contending that workman was appointed as Sub-Staff who was later on promoted, however, his performance was not satisfactory. It is contended that workman used to remain absent unauthorisedly on one or the other reasons, he was engaged in the business of construction activities, consequently, his conduct was against the interests of the Corporation. It is pleaded that since workman remained unauthorisedly absent, he was issued chargesheet dated 9-4-1996, 11-4-1996, 2-5-1996 in which he was held guilty and that minor punishments were imposed upon him like

withholding of increments etc. It is pleaded though workman was held responsible in earlier chargesheets and consequently he was instructed to appear before the Divisional Medical Referee Kolhapur for medical examination, however, he avoided deliberately, consequently, his leave for the concerned period i.e. 28-8-1996 till 12-3-1997 was treated as ‘Dies-Non’. It is contended since workman disobeyed the orders his act was detrimental to the interests of the Corporation, violating the provisions of Regulations 21, 24 and 39 of the Staff Regulations 1960, consequently for that, chargesheet was issued on 17-3-1997. It is pleaded that workman replied that chargesheet on 15-6-1997, however, that being not satisfactory, inquiry was held of the said chargesheet by the Enquiry Officer Mr. Damale, however, despite giving opportunity, workman remained absent and that the Enquiry Officer by the report dated 9-10-1997 held workman guilty for the unauthorised absence and that based on the report, the Disciplinary Authority removed the workman from service w.e.f. 29-12-1997 under the Staff Regulations. It is pleaded that domestic inquiry was properly held and that the findings of the Inquiry Officer are based on the evidence on record and not perverse, consequently, inquiry being fair and proper does not call for interference.

4. By Rejoinder (Exhibit-11) union reiterated the recitals in the Statement of Claim denying the averments in the Written Statement.

5. On the basis of pleadings preliminary issues were framed at Exhibit-12 and in that context workman Jaitapkar filed affidavit in lieu of Examination-in-Chief (Exhibit-19) and the union closed oral evidence vide purshis (Exhibit-20). In rebuttal, Administrative Officer Mr. Joshi filed affidavit (Exhibit-21) and the management closed oral evidence vide purshis (Exhibit-24).

6. Union filed written submissions (Exhibit-26) and the management (Exhibit-25). On perusing the record, the written submissions and hearing both the representatives, I record my findings on the preliminary issues for the reasons mentioned below :

Issues	Findings
1. Whether the domestic inquiry held against the workman was as per the Principles of Natural Justice?	No
2. Whether the findings of the Inquiry Officer are perverse?	Yes

### REASONS

7. So far domestic inquiry is concerned. Their Lordships of the Apex Court in *Sur Enamel and Stamping Works V/s. Their Workmen* 1963 II LLJ SCC pg.367 ruled that inquiry cannot be said to have been properly held unless :



- (1) the employees proceeded against has been informed clearly of the charges levelled against him;
- (2) the witnesses are examined-ordinarily in the presence of the employee in respect of the charges;
- (3) the employee is given a fair opportunity to cross examine witnesses;
- (4) he is given a fair opportunity to examine witnesses including himself in his defence if he so wishes on any relevant matter; and
- (5) the inquiry officer records his findings with reasons for the same in his report.

8. According to the union, inquiry conducted against the workman was against the principles of natural justice and the findings of the Inquiry Officer are perverse. The Learned Representative for the union Mr. Deo inviting attention to the inquiry proceedings and the report dated 9-10-1997 urged with force that on one day inquiry was held and the matter was closed and that the report dtd. 9-10-1997 shows non application of mind. The first contention of workman is that the charges were vague and unspecified. Charge-sheet dated 17-3-1997 of which inquiry was held by Mr. Damale (Exhibit-17/44-45) refer earlier three charge-sheets dated 9-4-1996, 11-4-1996 and 2-5-1996 on unauthorised absence. It is seen from the record the Disciplinary Authority had imposed penalty of censure for the unauthorised absence. It is in the evidence of Administrative Officer of O.S. Department of the Corporation in the office at Kolhapur, Mr. Joshi in cross-examination para 11 pointed out that the order of censure imposed by the Disciplinary Authority was cancelled by the Appellate Authority by the order dated 29-5-1997. However, as stated above, charge-sheet dated 17-3-1997 refers the above said charges and were considered by the Appellate Authority. Mr. Joshi admits that the penalty of censure was imposed for the unauthorised absence and that penalty was set aside thereby allegation as regards unauthorised absence goes away, however, as stated above charge-sheet dated 17-3-1997 also refers on unauthorised absence. On this back ground submission of Mr. Deo that the inquiry was not proper, finds substance. According to Mr. Joshi as seen from his affidavit para 3 & 4 workman not only had faulted on the ground of unauthorised absence but indulged in house building activities and acting contrary to the interests of the Corporation which was violative of the provisions of Staff Regulations 1960 and for all these instances, for his misconduct, he was given charge-sheet dated 17-3-1997. However, curious enough is that Mr. Joshi who stated much on misconduct in affidavit para 3 & 4 had to point out that the allegations mentioned in para 3 & 4, of his affidavit were not levelled in any of the four charge-sheets including charge-sheet dated 17-3-1997 based on which the Disciplinary Authority passed punishment of removal. It is thus clear that Mr. Joshi

disclosed much against workman for which he was not charge-sheeted. It is seen from the charge-sheets referred to above the charge-sheet dated 17-3-1997 mainly concerned on the disobedience of the order of the superiors i.e. failing to appear before the DMR and for not filing explanation thereby violating the provisions of Regulations-21, 24. & 39 of the Staff Regulations.

9. The Learned Representative for the union Mr. Deo submitted that workman Jaitapkar being a union activist was victimised, inviting attention to the inquiry proceedings and the report dated 9-10-97. It is seen from the record, workman by many letters apprised the management that he was victimised and that he had also levelled allegations against the superiors. Not only this, but it is seen when workman demanded income and character certificate, management *vide* letter dated 27-4-1996 denied to give the same. The Inquiry Report dated 9-10-1997 (Exhibit-17/34) mentions Presenting Officer had asked some questions to the workman on his appearance before DMR and that he said to have admitted of not appearing before the DMR, therefore, the Inquiry Officer held he was guilty of the charges. It is pertinent to note that Inquiry Officer has not given reasoning nor the inquiry proceedings show that workman had admitted of not appearing before DMR. It is expected that the Inquiry Officer should analyse and give detailed reasons which is wanting. Their Lordships of the Apex Court in Anil Kumar V/s. Presiding Officer and Ors. AIR 1985 SC 1121 in paras 5-6 throws light on this point :

“An enquiry report in a quasi-judicial enquiry must show the reasons for the conclusion. It cannot be an ipse dixit of the Enquiry Officer. It has to be speaking order in the sense that the conclusion is supported by reasons. This is too well-settled to be supported by precedent. In *Madhya Pradesh Industries Ltd. V/s. Union of India* (1966) 1 SCR 466: (AIR 1966 SC 671) this Court observed that a speaking order will at best be a reasonable and at its worst be at least a plausible one. The public should not be deprived of this only safeguard. Similarly in *Mahabir Prasad V/s. State of Uttar Pradesh* (1971) 1 SCR 201: (AIR 1970 SC 1302) this Court reiterated that satisfactory decision of a disputed claim may be reached only if it be supported by the most cogent reasons that appealed to the authority. It should all the more be so where the quasi-judicial enquiry may result in deprivation of livelihood or attach a stigma to the character. In this case the enquiry report is an order sheet which merely produces the stage through which the enquiry passed. It clearly disclosed a total non application of mind and it is this report on which the General Manager acted in terminating the service of the appellant. There could not have been a gross case of non application of mind and it is such an enquiry which has found favour with the Labour Court and the High Court.

Where the disciplinary enquiry affects the livelihood and is likely to cast a stigma and it has to be held in accordance with the principles of natural justice the minimum expectation is that the report must be a reasoned one. The Court then may not enter in to the adequacy or sufficiency of evidence. But where the evidence is annexed to an order sheet and no correlation is established between the two showing application of mind. we are constrained to observe that it is not an enquiry report at all. Therefore, there was no enquiry in this case worth the name and the order of termination based on such proceeding disclosing non-application of mind would be unsustainable.”

If we look the inquiry proceedings and the report dated 9-10-1997 in the light of the observation in the decision referred to above, it is apparent that report is laconic, unreasoned and that findings recorded are based on assumptions and presumptions, and therefore, unsustainable.

10. As stated above, the Disciplinary Authority based on the inquiry report dated 9-10-1997 in connection with the charge-sheet dated 17-3-1997 by the order dated 29-12-1997 (Exhibit-17/23) removed the workman from services of the Corporation with immediate effect. This removal order dated 29-12-1997 mentions on the letter of workman dated 15-6-1997 wherein he alleged to have used arrogant, objectionable, vituperative language. It further mentions that Shri S.B. Damale Manager (F&A) Kolhapur Division was appointed as Inquiry Officer vide office order dated 4-8-1997. However, going through the record as a whole, nowhere finds that Damale giving opportunity to the workman enquired on the alleged arrogant, objectionable, vituperative language etc. more so the Administrative Officer Mr. Joshi admits that workman was not charge-sheeted for the said allegations portion marked 'A' (Exhibit-17/page 23) based on which also, removal order dated 29-12-1997 came to be passed which shows without inquiring the allegations of removal punishment was imposed which can safely be said to be against the principles of natural justice.

11. In a domestic inquiry discipline of the concerned Company is prime consideration. Purpose of the domestic inquiry is not to punish the delinquent but to weed out the rotten wood from the forest as held by His Lordship of Calcutta High Court in 2001 III CLR 847. The question whether in a given case Principles of Natural Justice are violated or not is to be found out on consideration as to whether the procedure adopted by the appropriate authority is in accordance with law and whether the authority has acted in good faith. Rules of natural justice are not embodied rules. Whether prejudice has caused to the workman is to be looked at from the angle of justice or of natural justice. The objective of Principles of Natural

Justice is to ensure that justice is done. Justice means justice between both parties. The interest of justice equally demands that the guilty should be punished and that technicalities and irregularities which do not occasion failure of justice are not allowed to defeat the ends of justice. Principles of natural justice are but means to achieve the ends of justice. They cannot be perverted to achieve the very opposite end as observed Hon'ble Supreme Court in State Bank of Patiala & Ors. V/s. S.K. Sharma reported in 1996 II CLR page 29. If we look the evidence in the light of the observations as above, it is apparent that workman was not informed clearly of the charges levelled against him, procedure was not properly followed and that even proceedings was not properly recorded and that, inquiry was concluded without giving fair opportunity and that report of the Enquiry Officer is without application of mind and unreasoned, thereby prejudice had caused to the workman which contravene the tests laid down in Sur Enamel's case. From this point of view inquiry can said to be not fair and proper and consequently vitiated.

12. Since inquiry vitiates as discussed supra there is no need to consider the point of 'perversity' as held by His Lordship of Bombay High Court in Central Railway, Mumbai V/s. Rajan Kumar Mohalik reported in 2000 II CLR 117. However, point of perversity is required to be considered, on going through the evidence, the findings since not based on the evidence and the documents can be said to be perverse.

13. While parting with the matter it is to be noted that on minute perusal of the written statement of the management (Exhibit-10) nowhere finds that the management chosen to lead evidence in case the inquiry held vitiated. In the case in hand, inquiry being against the Principles of Natural Justice vitiates and since there is no pleading nor any application by the management till to date requesting to allow to lead evidence in case the inquiry held vitiated, relying on the decision in Shankar Chakravarty's case there is no duty in law on the Industrial Tribunal to give suo motto such opportunity and in view of the decision in Kamataka State Road Transport Corporation V/s. Laxmi Devamma reported in 2001 II CLR 464, there is no alternative except to direct the management to reinstate the workman with full back wages and consequential monetary benefits. In this view of the matter, issues are answered accordingly and hence the order:

### ORDER

The domestic inquiry conducted against the workman Jaitapkar was not as per the principles of natural justice and the findings of the Inquiry Officer are perverse.

Since domestic inquiry held vitiated and there is no request to allow the management to lead evidence in case inquiry vitiates, management is directed to

reinstate the workman Jaitapkar with consequential monetary benefits.

S.N. SAUNDANKAR, Presiding Officer

नई दिल्ली 25 जुलाई, 2003

का.आ. 2349.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एम. सी. एल. प्रबंध-तंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, भुवनेश्वर के पंचाट (संदर्भ संख्या 124/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-7-2003 को प्राप्त हुआ था।

[ सं० एल- 22012/355/96-आई०आर०(सी-II) ]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 25th July, 2003

S.O. 2349.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 124/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of MCL and their workman, which was received by the Central Government on 24-7-2003.

[No. L-22012/355/96-IR (C-II)]

N. P. KESAVAN, Desk Officer

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT BHUBANESWAR

##### Present:

Shri S. K. Dhal, OSJS, (Sr. Branch),  
Presiding Officer, C.G.I.T.-cum-Labour Court,  
Bhubaneswar.

##### Tr. INDUSTRIAL DISPUTE CASE NO. 124/2001

Date of conclusion of hearing—10th July 2003

Date of Passing Award—14th July, 2003

##### Between:

The Management of the Project Officer (T&H),  
Talcher Colliery of MCL,  
P.O. Dera,  
Dist. Angul (Orissa).

... 1st Party-Management.

##### And

Their Workmen represented through the General  
Secretary, South Eastern Coal Fields Workers Union,  
Talcher, At. Jambobahali,  
P.O. Dera, Dist. Dhenkanal.

... 2nd Party-Union.

##### Appearances:

Shri S.P. Pradhan,  
Personnel Manager.

... For the 1st Party-  
Management.

None.

... For the 2nd Party-Union

#### AWARD

The Government of India in the Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication vide their Order No. L-22012/355/96-IR (C-II), dated 27-7-1997:

“Whether the action of the Management of Talcher Colliery of Mahanadi Coal Fields Ltd., in dismissing Shri Dilla Pradhan, Loader, from service is legal and justified? If not to what relief is the workman entitled and from which date?”

2. The case of the 2nd Party may be stated in brief:—

He was engaged by the 1st Party-Management as a time rated Mazdoor in the year 1978. He worked sincerely, faithfully and continuously for seven years and thereafter he was transferred to Talcher Colliery in the year 1985. He was engaged as a Loader as he was old and was not accustomed to work in the hazardous condition he suffered from various type of diseases. He could not get proper medical treatment at the time of need from the medical officers of the 1st Party-Management. So, he was compelled to go to the Government hospital for necessary treatment from 1-9-1991 to 5-9-1991. After recovery and found fit he reported on duty on 6-9-1991 but he was refused to join. Then the 1st Party Management framed charges against him but it could not be proved and the enquiry conducted by the Enquiry Officer was not fair and proper. The termination of the 2nd Party has been challenged on the ground of illegal, unjustified and malafide. After reference the 2nd Party in his Claim Statement has prayed for reinstatement to his previous job with full back wages and other benefits from 6-9-1991.

3. The 1st Party-Management in reply to the Claim Statement has filed their Written Statement. Admitting the engagement of the 2nd Party by the 1st Party-Management, it is averred that, he was in habit of remaining unauthorizedly absent without leave or without sufficient cause. The 2nd Party remained absent unauthorizedly from 5-3-1988 continuously till 7-4-1988. He was issued a warning letter not to commit such negligence in future. He was allowed to resume duty on 8-4-1988. Again he remained unauthorizedly absent from 2-7-1988 till 21-8-1988. The 2nd

Party was also again warned but inspite of the above conduct of the 2nd Party he again remained absent from duty without leave in the year 1989-90 or without prior permission of the authority. He remained absent from 1-8-1991 onwards. So, a proceeding was initiated, charge was framed and he was asked to explain. The charges were received by the 2nd Party and as his explanation was found unsatisfactory, one man Enquiry Committee was constituted and the 2nd Party was duly intimated. The Enquiry Officer commenced the enquiry on 21-10-1992. He had all together 10 sittings and the last sitting was held on 20-1-1993. The workman fully participated in the enquiry, the enquiry officer submitted the report and thereafter the Disciplinary Authority after taking into consideration of the enquiry report passed the order of dismissal. The 1st Party-Management has prayed for answering the reference accordingly.

4. On the above pleading of the parties the following Issues have been settled.

#### ISSUES

1. Whether the domestic enquiry made by the Management against the workman is fair and proper?
2. Whether the action of the Management in dismissing the workman from service is legal and justified?
3. To what relief the workman is entitled?

5. It may be stated here that, after framing of issues, when the case was adjourned for evidence of the 2nd Party no step has been taken by him to produce any witness or any documents in support of his case. The Tribunal has given four to five chances to the 2nd Party to lead evidence either oral or documentary in support of his case but that has not been done. The 1st Party-Management also has not adduced any evidence but has produced ten documents in support of his case.

#### FINDINGS

##### ISSUE NO. I

6. The engagement of the 2nd Party has been admitted by the 1st Party-Management but the 1st Party-Management has taken the stand that, due to regular unauthorized absence of the 2nd Party a domestic enquiry was initiated and he having been found guilty, order of dismissal was passed against him. On the other hand, the 2nd Party has taken the stand that the enquiry, which was conducted against him was not proper and his absence was duly informed to the authorities. The dispute has been raised on behalf of the 2nd Party, so the initial burden lies on him to prove that, he had sent the intimation to the 1st Party-Management before proceeding on leave for medical treatment or due intimation was given by him for his sudden illness to be remained absent. But he has failed to produce any materials to support the averments made by

him in his Claim Statement. On the other hand, the 1st Party-Management has succeeded in proving that the 2nd Party was warned for his unauthorized absence through Annexure-5 and 6. The documents filed by the 1st Party-Management from Annexure-13 to Annexure-28 reveals that, after many adjournments enquiry was conducted in which the disputant had taken part. So, it can not be said that, the enquiry conducted by the 1st Party-Management was not fair and proper because no materials have been placed by the disputant in this regard. So, in absence of any materials it can not be said that, the action of the 1st Party-Management dismissing the disputant Shri Dilla Pradhan, Loader, from service is illegal and unjustified. Hence, this Issue is answered accordingly.

##### ISSUE NO. II

7. In view of my findings given in respect of Issue No. I, the 2nd Party-Workman is not entitled for any relief.

8. Reference is answered accordingly.

S.K. DHAL, Presiding Officer

नई दिल्ली, 25 जुलाई, 2003

का.आ. 2350.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, एस. ई. सी. एल. प्रबंधक के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर (संदर्भ संख्या सी. जी. आई. टी./एल. सी./आर./180/94) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-7-2003 को प्राप्त हुआ था

[ सं० एल- 22012/287/94-आई०आर० (सी-II) ]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 25th July, 2003

S.O. 2350.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT/LCR/180/94) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 24-7-2003.

[No. L-22012/287/94-IR (C-II)]

N. P. KESAVAN, Desk Officer

#### ANNEXURE BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT JABALPUR

Case No. CGIT/LC/R/180/94

Presiding Officer : Shri R.K. Dubey

Shri Gohilla, S/o Samaru,

Through Secretary,

Koyla Mazdoor Sabha (UTUC),

Camp Lusai,

PO Kotma, Shahdol.

... Applicant

**Versus**

The General Manager,  
Jamuna & Kotma Area,  
SECL,  
Distt. Shahdol.

... Non-Applicant

**AWARD**

Passed on this 7th day of July, 2003.

1. The Government of India, Ministry of Labour vide Order No. L-22012/287/94/IRC. II dated 28-9-94 has referred the following dispute for adjudication by this tribunal :

“Whether the action of the Sub-Area Manager, Jamuna Underground RO of J&K Area of SECL in dismissing Shri Gohilla S/o Samaru Loader, Jamuna ½ Mines w.e.f. 6-10-91 is legal and justified? If not, what relief the workman is entitled to?”

2. The workman's case in brief is that he was employed as a loader in the Jamuna ½ Mines. The workman was suffering from TB and was under the treatment. Therefore he could not attend the duty for some period. The workman when resumed his duties on 17-5-85 because of his weakness, he fell down on the earth and ultimately he was again admitted to the hospital. Management received a chargesheet without any basis against the workman. Enquiry conducted against the workman and he was dismissed from service by the management. It was prayed on behalf of the workman that the workman be reinstated in service with all consequential benefits and the enquiry conducted against the workman be declared as contrary to law and illegal.

3. The management/Non-applicant in his written statement accepted that the workman was working as a loader. It was submitted by the Non-applicant that the workman without any reason remained absent from his duty. He was given a chargesheet No. 279 dated 21-25-6-91 for a serious misconduct. A departmental enquiry ordered and conducted against him. The workman was given all reasonable opportunity to defend himself. The Enquiry Officer in his report held the workman guilty of the misconduct. After considering the Enquiry Officer's report, Competent Authority by order dated 6-10-91 terminated the services of the workman. Non-applicant submitted that the punishment awarded to the applicant/workman is proper and just. Therefore, applicant's statement of claim be rejected.

4. On 14-3-96, the Enquiry papers charged admitted by the workman before my predecessor and at that time it was held that the enquiry conducted is just and proper. Therefore now the question only remains that the punishment awarded to the workman is proper and just or not?

5. I peruse the enquiry papers. From the papers it is clear that the workman applicant remained absent from

his duty from Jan. 1985. It was claimed by the applicant in his statement of claim that he was suffering from TB and was admitted in hospital therefore he was unable to join his duties but this fact is not proved by the applicant before the Enquiry Officer. No evidence in this regard is ever produced by the workman before this tribunal. Therefore the Enquiry Officer rightly held that the workman remained absent from his duty without any reason for long periods. When any workman remains absent from his duties without any reason, then the only course or option left with the management is to remove the workman from the service. Therefore in my view, management's order resulting in the termination of workman due to long period of absence is perfectly justified and the punishment awarded to the workman is proper and hence any interference in this respect is totally uncalled.

6. After perusal of the documents and evidence of both the sides, it appears that the order of the management resulting in the termination of workman Gohilla, S/o Samaru loader is legal and justified. In these words, the reference of the Ministry is answered.

7. Claim of the workman is rejected. Both the parties should bear their own cost. Advocate fees is Rs. 1000/-.

8. Copy of the award be sent to the Ministry of Labour as per rules.

R.K. DUBEY, Presiding Officer

नई दिल्ली, 25 जुलाई, 2003

का.आ. 2351.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एस. ई. सी. एल. प्रबंधन के संबंध में मिश्रणों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर (संदर्भ संख्या सी. जी. आई. टी./एल. सी./आर./179/94) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-07-2003 को प्राप्त हुआ था।

[सं. एल- 22012/284/94-आई.आर. (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 25th July, 2003

S.O. 2351.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT/LC/R/179/94) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 24-07-2003.

[No. L-22012/284/94-IR (C-II)]

N. P. KESAVAN, Desk Officer

## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT  
JABALPUR

Case No. CGIT/LC/R/179/94

Presiding Officer : Shri R.K. Dubey

Shri Samaroo, S/o Lachai,  
Through Secretary,  
Koyla Mazdoor Sabha (UTUC),  
Distt. Shahdol.

... Applicant

Versus

The General Manager,  
Jamuna & Kotna Area of SECL,  
Distt. Shahdol.

... Non-Applicant

## AWARD

Passed on this 7th day of July, 2003

1. The Government of India, Ministry of Labour vide order No. L-22012/284/94/TRC. II dated 28-9-94 has referred the following dispute for adjudication by this tribunal :

"Whether the action of the Sub-Area Manager, Jamuna Underground RO of J&K Area of SECL in dismissing Shri Samaroo S/o Lachai Loader, Jamuna ½ Mines w.e.f. 5-2-90 is legal and justified? If not, what relief the workman is entitled to?"

2. The workman's case in brief is that the workman Samaroo worked as loader at Jamuna Underground RO ½ Mines. He fell sick from 23-8-89 to 16-12-89 for which he availed sanctioned leave and submitted a medical certificate in this regard to the non-applicant. In spite of the circumstances, management issued a chargesheet against the workman, enquiry was held and the applicant was dismissed from service. It is submitted by the workman that the enquiry conducted against the workman is not proper and illegal and without any jurisdiction. It was prayed by the workman that he should be reinstated in service.

3. The Non-applicant management in his reply admitted that the workman Samaroo was working as loader in Jamuna Mines. On the basis of a complaint received, the workman has given a chargesheet for a serious misconduct. His explanation is not satisfactory therefore a Departmental Enquiry was conducted against him. During the enquiry, the workman accepted his guilty of misconduct. The Competent Authority after considering the report of the Enquiry Officer terminated the services of the applicant workman by order dated 5-2-90. It is submitted by the management that the punishment awarded to the workman is just and proper.

4. On 20-2-96, my predecessor while considering the DE reports, held while deciding the preliminary issues that the enquiry is just, proper and legal.

5. Issue No. 2 & 3 were also decided in favour of the management. Therefore at present Issue No. 4 remains which is whether the punishment awarded is proper and legal?

6. The Enquiry Officer charged the workman on 2 points. No. 1 is habitual late attendance or habitual absence without leave or without sufficient order of a superior and 2nd point is continuous absence from duty and without satisfactory cause for more than 10 days. The Enquiry Officer in his report submitted that both the charges are proved against the workman. The workman himself at the time of charge pleaded guilty and accepted the charges against him. In the enquiry, attendance sheet of applicant was also produced. This shows that the workman remains absent from long period.

7. Before the Tribunal Enquiry Officer Shri A.K. Dixit and A.K. Punia was cross-examined on behalf of the workman but the workman himself did not produced any evidence nor he came into the witness box of the tribunal to make his statement on oath. In the absence of any evidence produced by the workman, it seems that the punishment awarded by the management to the workman due to workman's period of long absence is proper and perfectly justified. If a workman who appointed to do his duty remains absent from his duty for long periods, then the purpose of employment of workman ended. Therefore after perusal of the evidence and papers of this case, in my view the order of the management resulting the termination of applicant workman is just and proper and therefore any interference in this termination order is totally uncalled.

8. Therefore the statement of claim made by the applicant workman is rejected. In view of the circumstances of the case, both the parties should bear their costs themselves. Advocate fees is Rs. 1000/-.

9. The reference of the Ministry is answered as the action taken by the management against the workman Samaroo, S/o Lachai is just and proper.

R.K. DUBEY, Presiding Officer

नई दिल्ली, 31 जुलाई, 2003

का.आ. 2352.—राष्ट्रपति श्री के. जयरामन को दिनांक 19-06-2003 (पूर्वाह्न) से अगले आदेश जारी होने तक, केन्द्रीय सरकार औद्योगिक न्यायाधिकरण-सह-श्रम न्यायालय, चेन्नई के पीठासीन अधिकारी के रूप में नियुक्त करते हैं।

[फा. सं. ए-11016/3/2002/सी एल एस-II]

वाई. पी. सहगल, अवर सचिव

New Delhi, the 31st July, 2003

S.O. 2352.—The President is pleased to appoint Sh. K. Jayaraman as Presiding Officer Central Govt. Industrial Tribunal-cum-Labour Court, Chennai w.e.f. 19-06-2003 (F.N.) till further orders.

[F. No. A-11016/3/2002/CLS-II]

Y. P. SEHGAL, Under Secy.



नई दिल्ली, 24 जुलाई, 2003

का. आ. 2353.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भगवान स्टोन माईन्स के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण धनबाद नं. 2 के पंचाट (संदर्भ संख्या 136/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-7-2003 को प्राप्त हुआ था।

[ सं. एल-29012/27/2001-आई.आर. (विधि) ]

बी. एम. डेविड, अवर सचिव

New Delhi, the 24th July, 2003

S.O. 2353.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 136/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad No. 2 as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bhagwan Stone Mines and their workman, which was received by the Central Government on 23-07-2003.

[No. L-29012/27/2001-IR(M)]

B. M. DAVID, Under Secy.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2 AT DHANBAD

#### PRESENT:

Shri B. Biswas, Presiding Officer

In the matter of an Industrial Dispute under Section  
10(1)(d) of the I.D. Act, 1947

REFERENCE NO. 136 OF 2001

#### PARTIES:

Employers in relation to the management of  
M/s. Bhagwan Stone Mines and their workmen.

#### APPEARANCES:

On behalf of the workman : None

On behalf of the employers : None

State : Jharkhand Industry : Mine

Dated, Dhanbad, the 8th July, 2003

#### ORDER

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-29012/27/2001/I.R.(M), dated, the 11th May, 2001.

#### SCHEDULE

“क्या प्रबंधन मैसर्स भगवान स्टोन माईन्स, बोरेना साहिबगंज का अपने कामगारों को वर्ष 1997-98 के वित्तीय वर्ष का 20 प्रतिशत

की दर से बोनस भुगतान नहीं करना न्यायोचित है, यदि नहीं, तो कामगार किस राहत के हकदार हैं”?

2. In this reference neither of the parties turned up before this Tribunal. It is seen from the record that the instant reference was received by this Tribunal on 1-6-2001 and since then it is pending for disposal. Registered notices and show cause notices were issued to the workman as well as the management but in spite of the issuance of notices they failed to turn up. In terms of Rule 10 B of the I.D. Central Rules, 1957 submission of W.S. by the concerned workman within 15 days is a mandatory one. The concerned workman not only violated the said provision of the Rules but also did not consider necessary to give any response to the notices issued by this Tribunal. In natural course the question which will arise is what will be the fate of the reference made on the basis of dispute raised by the concerned workman/union. Naturally responsibility rests with the concerned workman/union and the management to assist the Court to dispose of the reference in issue on merit. In view of the decision reported in 2002(94) FLR 624 it will not be just and proper to pass ‘No dispute’ Award when both the parties remain absent. There is also no scope to answer the reference on merit in absence of any W.S. and available documents. There is no dispute to hold that when any reference is made it is expected to be disposed of on merit but when the parties do not take any step or do not consider even to file W.S. such expectation to dispose of the reference on merit comes to an end. It is not expected that for years together the Court will pursue the matter *suo moto* with the expectations for appearance for the workman and the management in spite of issuance of registered notices. As per I.D. Act the workman excepting under provision of Section 2A is debarred from raising any industrial dispute. The disputes are mainly raised by the union for their workmen. These unions in spite of receiving notices do not care to appear before the Court for the interest of the workman and as a result they have been deprived of getting any justice until and unless the attitude of the union is changed I consider that this uncalled for situation will persist. Definitely it is the duty of the Court to dispose of the reference on merit but it depends on the cooperation of both sides. Here the record will clearly expose that sufficient opportunities had been given to the workman/union but yielded no result. This attitude shows clearly that the workman side is not interest to proceed with the hearing of the case for disposal on merit.

Under the facts and circumstances, I also do not find any sufficient reason to drag on the case for an indefinite period. Accordingly as there is no scope to dispose of the reference in question on merit, the same is closed.

B. BISWAS, Presiding Officer

नई दिल्ली, 24 जुलाई, 2003

का. आ. 2354.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार किरिबुरु मेघहातुबुरु आयरन माइन के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण धनबाद नं. 2 के पंचाट (संदर्भ संख्या 91/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-7-2003 को प्राप्त हुआ था।

[सं. एल-26011/8/2000-आई.आर. (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 24th July, 2003

S.O. 2354.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 91/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad No. 2 as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Kiriburu Meghahatuburu Iron Mine and their workman, which was received by the Central Government on 23-7-2003.

[No. L-26011/8/2000-IR(M)]

B. M. DAVID, Under Secy.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2 AT DHANBAD

#### PRESENT:

Shri B. Biswas, Presiding Officer

In the matter of an Industrial Dispute under Section  
10(1)(d) of the I.D. Act, 1947

#### REFERENCE NO. 91 OF 2000

#### PARTIES :

Employers in relation to the management of  
Kiriburu Meghahatuburu Iron Mines SAIL  
and their workmen.

#### APPEARANCES :

On behalf of the workman : None

On behalf of the employers : None

State : Jharkhand Industry : Mine

Dated, Dhanbad, the 8th July, 2003

#### ORDER

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-26011/8/2000/I.R.(M), dated, the 18th August, 2000.

#### SCHEDULE

Whether the action of the management of  
Kiriburu Meghahatuburu Iron Mine SAIL, in denying

employment to the dependant of deceased employees is justified ? If not, to what relief the concerned workman is entitled ?”

2. In this reference neither the concerned workman nor his representative appeared. However, the management side appeared only on one occasion but failed to appear subsequently in spite of issuance of notices. It is seen from the record that the instant reference was received by this Tribunal on 13-9-2000 and since then it is pending for disposal. Registered notices and Show Cause notices were also issued to the workman but in spite of issuance of notices the workman side has failed to turn up. In terms of Rule 10 B of the I.D. Central Rules, 1957 submission of W.S. by the concerned workman within 15 days is a mandatory one. The concerned workman not only violated the said provision of the Rules but also did not consider necessary to give any response to the notices issued by this Tribunal. In natural course the question which will arise is what will be the fate of the reference made by Ministry for its disposal. The reference is made on the basis of dispute raised by the concerned workman/union. Naturally responsibility rests with the concerned workman/union to assist the Court to dispose of the reference in issue on merit. In view of the decision reported in 2002 (94) FIR 624 it will not be just and proper to pass ‘No Dispute’ Award when both the parties remain absent. There is also no scope to answer the reference on merit in absence of any W.S. and available documents. There is no dispute to hold that when any reference is made it is expected to be disposed of on merit but when the parties do not take any step or do not consider even to file W.S. such expectation to dispose of the reference on merit comes to an end. It is not expected that for years together the Court will pursue the matter *suo moto* with the expectations for appearance of the parties in spite of issuance of registered notices. As per I.D. Act the workman excepting under provisions of Section 2A is debarred from raising any industrial dispute. The disputes are mainly raised by the Union for their workmen. These unions in spite of receiving notices did not care to appear before the Court for the interest of the workman and as a result they have been deprived of getting any justice. Until and unless the attitude of the union is changed I consider that this uncalled for situation will persist. Definitely it is the duty of the Court to dispose of the reference on merit, but it depends on the cooperation of both sides. Here the record will clearly expose that sufficient opportunities had been given to the parties but yielded no result. This attitude shows clearly that the parties are not interested to proceed with the hearing of the case for disposal on merit.

In view of the facts and circumstances, I also do not find any sufficient reason to drag on the case for an indefinite period. Accordingly as there is not scope to dispose of the reference in question on merit the same is closed.

B. BISWAS, Presiding Officer



नई दिल्ली, 24 जुलाई, 2003

का. आ. 2355.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत पेट्रोलियम कार्पो. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, मुंबई नं. 2 के पंचाट (संदर्भ संख्या 68/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-7-2003 को प्राप्त हुआ था।

[ सं. एल-30012/90/99-आई.आर. (विविध) ]

बी. एम. डेविड, अवर सचिव

New Delhi, the 24th July, 2003

S.O. 2355.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 68/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Mumbai No. 2 as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bharat Petroleum Corpn. Ltd. and their workman, which was received by the Central Government on 23-07-2003.

[No. L-30012/90/99-IR(M)]

B. M. DAVID, Under Secy.

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL NO. 2, MUMBAI****PRESENT:**

S. N. SAUNDANKAR, Presiding Officer

**REFERENCE NO. CGIT-2/68 OF 2000**Employers in Relation to the Management of Bharat  
Petroleum Corporation Ltd. (Refinery), Mahul,  
MumbaiThe Manager (IR),  
Bharat Petroleum Corporation Ltd.,  
Refinery, Mahul,  
Mumbai-400074.

V/s.

**THEIR WORKMEN**Shri G.G. Dongre,  
111, Saptarshi Apartment,  
Eksar Road, Koliwada,  
Borivali (West),  
Mumbai-400103.**APPEARANCES:**For the Employer : Mr. R. S. Pai,  
AdvocateFor the Workmen : Mr. B. J. Sawant,  
Advocate

Mumbai, dated 20th May, 2003.

**AWARD**

The Government of India, Ministry of Labour, by its Order No. L-30012/90/99/IR(M) dated 24-05-2000 and 28-8-2000 in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Bharat Petroleum Corporation Ltd. (Refinery), Mahul, Mumbai, by terminating the services of Mr. G. G. Dongre, w.e.f. 14-8-1998 is justified or not? If not, to what relief the workman Shri G. G. Dongre is entitled?”

2. Dongre was appointed as Clerk in the BPCL initially in 1978 and thereafter in the year 1987 he was designated as Operations Officer (TDU). Dongre vide his Claim Statement (Exhibit-8) pleaded that though he was designated Officer he was not entrusted with administrative powers nor he was sanctioning leave nor he was decision taking authority and therefore he was ‘workman’ under the Act. It is averred that though he was sincerely working in the company he was suspended on 26-6-1992 and that he was issued charge-sheet dated 22-7-1992 alleging that he had committed fraud with dishonest intention of causing loss to the Company, he was accepting bribe/illegal gratification, acting in a manner prejudicial to the interests of the Corporation, neglecting to perform his duties, behaving in a disorderly manner involving moral turpitude, committing act subversive of discipline during the period 5th June, 1992 while working in the first shift. It is averred, domestic inquiry was initiated against him on 19-10-1992 but was actually commenced from 28-8-1992 and concluded in 1995 by consuming 31 months and that inquiry report was given to Dongre on 14-10-1995. It is the contention of Dongre that during the inquiry he was not given opportunity to defend his case, charges were complicated, and therefore, he had asked assistance from legally trained person which was turned down by the Inquiry Officer. It is contended, Inquiry Officer was totally biased, consequently, inquiry was not fair and proper and findings of the Inquiry Officer are perverse. It is contended based on the report, Company dismissed Dongre and the same being illegal, he be reinstated with full back wages.

3. Management resisted the claim of Dongre by filing Written Statement (Exhibit-10) contending that Dongre was promoted in the management cadre in Grade ‘A’ as Operation Officer at Cross Weigh Bridge in TDU. He was performing duties of Weigh Bridge Officer and that he was holding responsible position involving a lot of financial transactions, overall supervision and that as Weigh Bridge Officer he was responsible for jobs such as signing of excise documents including gate pass etc., consequently, he was performing administrative/managerial/supervisory nature of duties and that he was drawing wages more than Rs. 1600/- per month, and therefore, he being in managerial cadre and not the workman within the meaning of Section

2(s) of the Industrial Disputes Act this Tribunal has no jurisdiction to entertain and decide the reference, consequently reference deserves to be dismissed.

4 Without prejudice to the above said contentions, management averred that Mr. Dongre was suspended pending inquiry for the various cases of misconduct committed by him under the service and discipline rules applicable to the Officers of the Corporation, and therefore, he was charge sheeted on 22-7-92 for the allegation of theft, illegal gratification, commission of act subversive of discipline etc. It is contended domestic inquiry was fairly and properly conducted giving full opportunity to the officer concerned. It is contended Inquiry Officer on the basis of documents and the record, held Shri Dongre guilty and based on the report, Disciplinary Authority dismissed him by the order dated 14-8-1998 and that appeal preferred against the same was rejected on 7-6-1999 by the Appellate Authority i.e. Chairman and Managing Director. It is pleaded that Dongre was paid subsistence allowance to the extent of 75% of his Basic Pay plus Dearness Allowance and 100% other allowance payable to him. It is contended under the rules applicable to Dongre, services of the lawyer were not legally permitted, and therefore, he was not allowed to be defended by lawyer in the inquiry. It is contended giving sufficient opportunity inquiry was conducted and based on the report considering the grave nature of proved charges, he was dismissed. Consequently Dongre's claim being devoid of substance be dismissed with costs.

5. By Rejoinder (Exhibit-11) Dongre reiterated the recitals in the Statement of Claim denying the averments in the Written Statement. He contended that he was not performing managerial/administrative nor supervisory nature of duties and that he was a 'workman' at the time of holding inquiry.

6. On the basis of the pleadings preliminary issues were framed at Exhibit-18 and in that context Dongre filed affidavit in lieu of Examination in Chief (Exhibit-20) and closed oral evidence vide purshis (Exhibit-25). In rebuttal, Company filed affidavit of Chief Manager (Product Despatches), Mr. Sivaram and closed oral evidence vide purshis (Exhibit-28/29).

7. Dongre filed written submissions (Exhibit-30) along with copies of rulings (Exhibit-31) and the management (Exhibit-32/33). On perusing the record as a whole, written submissions and hearing the Learned Counsels for both sides, I record my findings on the preliminary issues for the reasons mentioned below :

Issues	Findings
1. Whether Shri G. G. Dongre is a 'workman' within the meaning of Section 2(s) of the Industrial Disputes Act, 1947?	No
2. Whether the domestic inquiry conducted against the workman was as per the principles of natural justice?	Yes

3. Whether the findings of the Inquiry Officer are perverse? No

### REASONS

8. At the outset, the Learned Counsel Mr. Pai submits that Dongre was a management cadre Grade-A officer and he was doing managerial/administrative/supervisory nature of duties. He was holding responsible position involving a lot of financial transactions, overall supervision to ensure proper weighment of tank, lorries before despatching the same to out side parties, and that as a Weigh Bridge Officer, he was responsible for jobs such as, signing of excise documents including gate passes of huge monetary value, and that at the time of dismissal, he was drawing about Rs. 12,000/- p.m. as salary, and therefore, he is not a 'workman' within the definition of Section 2(s) of the Industrial Disputes Act, consequently, this Tribunal has no jurisdiction to entertain and adjudicate the reference in connection with Dongre. In support of the argument he has relied on the decisions filed with list (Exhibit-33). In contra, the Learned Counsel Mr. B. J. Sawant submitted that though Dongre was designated as 'Operations Officer' his actual duties were of clerical nature and not managerial. He submits in catena of judgments Apex Court held that nothing in the designation and that paramount consideration is the nature of duties, relying on the decisions filed with list (Exhibit-31).

9. Admittedly at the time of enquiry/termination, Dongre was Officer in management cadre Grade 'A' and that he was drawing monthly salary of Rs. 12,000/-. Dongre admitted in his cross-examination that he was getting salary as management staff and as officer he was only signing the gate passes. He further admits that he was suspended under Conduct, Discipline and Appeal rules and that the charge-sheet was issued under the said rules applicable to management staff. He has further admitted that four clerical staff were preparing the pass and he simply used to sign those passes. All these admissions go to show that Dongre since April 1986 was designated as Officer and discharging the duties of an Officer. According to Chief Engineer of the Company Mr. Sivaram, Dongre was authorised to initiate Disciplinary Action against the subordinates which has gone unchallenged.

10. So far definition under Section 2 (s) defines 'workman' as under :

"Workman" means any person (including an apprentice) employed in any industry to any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied, and for the purposes of any proceedings under this Act in relation to an industrial dispute, includes any such persons who has been dismissed, discharged or retrenched in connection with, or as a consequence of that dispute or whose dismissal, discharge or

retrenchment has led to that dispute, but does not include any such person—

- (i) .....
- (ii) .....
- (iii) .....
- (iv) .....

Their Lordships of Bombay High Court in *Union Carbide (India) Ltd. V/s. D. Samuel and Ors.* 1999 LLR 21 while discussing supervisor and 'workman' laid down tests—

- (1) Designation is not material but what is important is the nature of work.
- (2) Find out the dominant purpose of employment and not any additional duties, the employee may be performing.
- (3) Can he bind the company/employer to some kind of decisions on behalf of the company/ employer.
- (4) Has the employee power to direct or oversee the work of his subordinates.
- (5) Has he power to sanction leave or recommend it; and
- (6) Has he the power to appoint, terminate or take disciplinary action against workman.

In *S.K. Verma V/s. Mahesh Chandra's* case Their Lordships in para 6 observed :

"After all what is in a name? Notwithstanding the glorified designation, we must look to the nature of his duties to discover what precisely a Development Officer is?"

and in para 9 further observed :

"Development Officer in the Life Insurance Corporation even is a workman."

From the criteria laid down in *Union Carbides* case it is apparent that the person to be qualified to be a workman must be doing the work which falls in any of the four categories i.e. manual, clerical, supervisory or technical and further material is the nature of duties. Their Lordships of Apex Court in *Ved Prakash Gupta V/s. M/s. Delton Cable India (P) Ltd.* AIR 1984 SC 914 pointed out that "Security Inspector at the gate of the factory premises is a workman", and that the Calcutta High Court in *Hongkong and Shanghai Banking Corporation, Ltd. V/s. Central Government Industrial Tribunal Calcutta and Ors.* 2003 (1) LLN 530 ruled that "even in spite of promotion as Staff Officer the concerned was discharging clerical nature of duties." His Lordship of Gujarat High Court in *Shankarbai Natha'al Prajapati V/s. Maize Products* 2003 (96) FLR 829 had pointed out that employee drawing salary more than Rs. 1600/- per month is a workman though worked in a supervisory capacity. Relying on these decisions Mr. Sawant contended

that Dongre was simply designated as Officer but was doing work of signing gate passes, a clerical nature of work. When workman style himself as an Officer and that some staff were working under him and he had authority to take Disciplinary Action against the staff and the glaring position that Dongre himself in his W.P. No. 1582 of 1998 averred that "he was working as an Officer in the Corporation" and had no alternate remedy if that is so he is estopped from saying that he is a workman. In the light of the evidence and the rulings to my view since Dongre was performing duties of administrative/managerial/supervisory nature and was getting monthly salary as management staff Rs. 12,000/- he is not at all a workman within the definition of Section 2 (s) of the Industrial Disputes Act. In this view of the matter this Tribunal has no jurisdiction to entertain and adjudicate the reference. Issue No. 1 is answered in the negative.

11. Assuming for a moment, Dongre is a workman under section 2 (s) of the Act admittedly inquiry was conducted against him. According to Dongre inquiry is in violation of the Principles of Natural Justice in as much as he was not given opportunity to defend his case, charges were complicated and that he was not allowed to engage legally trained person..In this connection it is relevant to refer the decision in *Sur Enamel and Stamping Works Ltd.'s* case wherein Their Lordships of the Hon'ble Apex Court in *Sur Enamel and Stamping Works V/s. Their Workmen* 1963 II LLJ SCC pg. 367 ruled that inquiry cannot be said to have been properly held unless:—

- (1) the employee proceeded against has been informed clearly of the charges levelled against him;
- (2) the witnesses are examined-ordinarily in the presence of the employee in respect of the charges;
- (3) the employee is given a fair opportunity to cross-examine witnesses;
- (4) he is given a fair opportunity to examine witnesses including himself in his defence if he so wishes on any relevant matter; and
- (5) the inquiry officer records his findings with reasons for the same in the report.

So far charges according to Dongre were complicated, on perusing the documents filed with list (Exhibits-12&13) it is clearly seen charges dated 22-7-1992 were clear and unambiguous i.e. very specific. Dongre admits in his cross-examination para 15 that he had participated in the inquiry and that he was represented by Mr. Nayar who was also an Officer. According to Dongre himself as seen from his Statement of Claim para 5, inquiry was actually commenced from 28-8-1992 and concluded in the month of February 1995 and that findings were received by him on 14-10-1995, therefore, hardly can be said that undue haste was done in

the inquiry. On perusal of the voluminous inquiry proceedings, it is apparent that under the rules applicable to Dongre there is no provision to engage an advocate as Defence Representative and further clearly point out that Inquiry Officer giving sufficient opportunity on the basis of documents after analysing the evidence, and with detailed reasoning, recorded the findings. As seen from the cross-examination para 16 Dongre had received copies of the findings to which he had given say vide (Exhibit-14/ pg. 63). It is not that Dongre was not given copy of finding. Consequently, there is no force in the submissions of Mr. Sawant that inquiry vitiates.

12. No tailor made system is to be adopted for domestic inquiry and that strict and sophisticated rules of evidence under the Evidence Act may not apply to all materials which are logically probative for a prudent mind are permissible as held in State of Haryana and Anr. V/s. Ratan Singh AIR 1977 SC pg. 151. Dongre simply stated that inquiry was in violation of Principles of Natural Justice. Rules of Natural Justice are not embodied rules. The very exercise of inquiry is to bring the facts before the competent authority. The object of Principles of Natural Justice is to ensure that justice is done. Justice means justice between both the parties. The interests of justice demands that the guilty should be punished and that technicalities and irregularities which do not occasion failure of justice are not allowed to defeat the ends of justice. Principles of Natural justice are but means to achieve the ends of justice. On going through the record as a whole in the light of the tests laid down in the above said decisions hardly can be said that Principles of Natural Justice are violated. Dongre in a laconic averred that the findings are perverse. 'Perversity' is that when the findings are such which no reasonable person would have arrived at on the basis of material before him as pointed out by Hon'ble Apex Court in Central Bank of India V/s. Prakashchand Jain 1969 II LLJ 877. In the case in hand, going through the inquiry proceedings it is apparent that findings are recorded on the basis of documents, and the evidence, therefore, hardly can said to be perverse. Consequently, issues No. 2 & 3 are answered accordingly and hence the following order:—

#### ORDER

Dongre being not a 'workman' within the meaning of section 2 (s) of the Industrial Disputes Act 1947 this Tribunal has no jurisdiction to entertain and decide the reference.

S.N. SAUNDANKAR, Presiding Officer

नई दिल्ली, 24 जुलाई, 2003

का.आ. 2356.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कुटेश्वर लाइम स्टोन माईन्स के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक

अधिकरण जबलपुर के पंचाट (संदर्भ संख्या 120/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-07-2003 को प्राप्त हुआ था।

[सं. एल-29011/2/97-आई.आर. (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 24th July, 2003

S.O. 2356.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 120/97) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Kuteshwar Lime Stone Mines and their workman, which was received by the Central Government on 23-07-2003.

[No. L-29011/2/97-IR(M)]

B. M. DAVID, Under Secy.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

CASE NO. CGIT/LC/R/120/97

PRESIDING OFFICER : SHRI R. K. DUBEY

Shri Bachchan Nayak, Member,  
Vidhansabha and President,  
Ispat Khadan Janata Mazdoor Union,  
10, Sawarkar Ward,  
Nai Basti, Katni, .....Applicant

versus

The Sub Area Manager,  
R.M.D. Steel Authority of India Ltd.,  
Kuteshwar Lime Stone Mines,  
Gairtalai (Barhi),  
Via Katni. ....Non-applicant

#### AWARD

Passed on this 2nd day of July-2003.

1. The Government of India, Ministry of Labour vide order No. L-29011/2/97-IR(Misc.) dated 14-5-97 has referred the following dispute for adjudication by this tribunal :—

“क्या कुटेश्वर लाईम स्टोन माईन्स, आर.एम.डी. सेल में नीचे लिखे ठेकेदारों के अधीन कार्यरत ठेका श्रमिकों द्वारा उनकी यूनियन इस्पात खदान जनता मजदूर यूनियन के माध्यम से उठाई गई मांग कि उन्हें भारत सरकार की अधिसूचना क्रमांक 707 दिनांक 17-3-93, जिसके तहत चूना पत्थर खदानों में ठेका श्रमिकों का कार्य प्रतिबंधित किया गया है, के उपरान्त सेल की विभागीय सेवा में नियुक्ति संबंधी मांग जायज और उचित है। यदि हाँ तो कितने श्रमिक, किन शर्तों पर इस प्रकार नियुक्ति के पात्र हैं ?

ठेकेदारों का नाम	ठेका श्रमिकों की अनुमापित संख्या
1. मैसर्स सिंघल इंटरप्राइजेज	700
2. मैसर्स पावर युनाइटेड	550
3. मैसर्स आई.एस.एस. कंस-ट्रक्शंस कंपनी	450
4. मैसर्स श्री कृष्ण मेहरोत्रा	400
5. मैसर्स सिंघल इंटरप्राइजेज	050
6. मैसर्स आर हरनाथ रेड्डी	059
7. मैसर्स ईस्टर्न निमरल ट्रेडिंग एजेंसी	085

2. During the pendency of the reference, Shri R.C. Shrivastava on behalf of the management filed the judgement of Honourable High Court in LPA No. 326/97, 18/98, 19/98, 418/99 and prays that the Honourable High Court in a composite order passed on 16-7-2002 quashed the reference. Therefore this case should be immediately dismissed.

3. Shri Shashi, Advocate on behalf of the Union objected and also filed the proceeding of the Honourable Supreme Court dated 16/12/02 proceeding of the Supreme Court passed in Appeal (Civil) No. 23288/2002 arises from the LPA No. 326/97 of the order of the Honourable MP High Court dated 16-7-2002.

4. The Honourable MP High Court in single bench decision WP No. 921/97 ordered that the CGIT shall only enforce the legal position as laid down by the Supreme Court and clarified by this court in this order and shall grant relief if necessary but the Honourable High Court in the LPA No. 326/97 in Steel Authority of India Ltd. versus Ispat Khadan and another over-ruled the order of the single judge above quoted. The Honourable High Court in para 29 of the judgement order clearly held and directed that as the Air India Statutory Corporation versus Union Labour Union AIR-1997-SC-645 has been over-ruled and we have dealt with the matter in a different prospective, we cannot be oblivious to the factual scenario and allow a futile reference to proceed. On a punctilious reading of the factual matrix, we are of the considered opinion that the said reference does not pave the path of palliation for the employees. A Sisyphean endeavour should not be allowed to continue, and hence we unchain and command dropping of the same.

5. It is clear from the above direction of Honourable High Court that the Honourable High Court quashed the reference of the Labour Ministry. Shri Shashi on behalf of the Union filed a proceeding before the Honourable Supreme Court. It is true that this proceeding is related to the appeal before the Honourable Supreme Court arises from the order of the Honourable High Court in LPA

No. 23288/2003. But the Honourable Supreme Court in the above proceeding only directed that the notice be issued to the parties. Honourable Supreme Court by its order did not stay the operation of the order of the Honourable High Court. Therefore this case cannot remain alive till the decision of the appeal before the Honourable Supreme Court.

6. As the Honourable High Court in the LPA No. 326/97 quashed the reference made by the Central Labour Ministry to this tribunal, all the proceedings in this case or reference also comes to an end. In compliance of the order of the Honourable High Court, this case is dismissed with no order to cost. As the reference made by the Ministry is quashed by the Honourable High Court, therefore no reference remains and hence it is not possible for this tribunal to answer the reference in any way. I have only to quote the dictum of the Honourable Supreme Court in Steel Authority of India Ltd. and another versus National Union Water Front Workers and others (2001)-7-SCC-1 in para. 125 held that consequently the Principle Employer cannot be required to order absorption of the contract labour working in the establishment concerned.

R. K. DUBEY, Presiding Officer

नई दिल्ली, 24 जुलाई, 2003

का०आ० 2357.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हिन्दुस्तान पेट्रोलियम कार्पो० लि० के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, मुंबई नं. 2 के पंचाट (संदर्भ संख्या 2/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-7-2003 को प्राप्त हुआ था।

[सं० एल-30012/66/99-आईआर (विविध)]

बी० एम० डेविड, अवर सचिव

New Delhi, the 24th July, 2003

S.O. 2357.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 2/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Mumbai No. 2 as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Hindustan Petroleum Corporation Ltd. and their workman, which was received by the Central Government on 23-07-2003.

[No. L-30012/66/99-IR(M)]

B. M. DAVID, Under Secy.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 2, MUMBAI

#### PRESENT

S. N. SAUNDANKAR  
PRESIDING OFFICER

**REFERENCE No. CGIT-2/2 of 2000**  
**EMPLOYERS IN RELATION TO THE**  
**MANAGEMENT OF HINDUSTAN PETROLEUM**  
**CORPORATION LTD.**

Hindustan Petroleum Corporation Ltd.

Hindustan Bhavan,  
 8, Shoorji Vallabhdas Marg,  
 Post Box No. 155,  
 MUMBAI-400 038

V/s

**THEIR WORKMEN**

Shri Krishna R. Pawar  
 New Bharat Nagar Zopadpatti,  
 Opp. H. P. Nagar (E), Vashi Naka,  
 Mahul Road, Chembur,  
 MUMBAI-400 074.

**APPEARANCES:**

**FOR THE EMPLOYER:** Mr. J.V. Mhaske, Advocate.

**FOR THE WORKMEN:** Mr. Jaiprakash Sawant, Advocate.

Mumbai, Dated 13th May, 2003.

**AWARD**

The Government of India, Ministry of Labour by its Order No. L-30012/66/99/IR (M) dated 14-12-99 in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication:

"Whether the action of the management of Hindustan Petroleum Corporation Ltd. Mumbai in, not allowing for duties and indirectly dismissing the workman Shri Krishna R. Pawar and not paying the legal dues w.e.f. 8-12-1997 is justified? If not, to what relief the workman is entitled?"

2. **Vide Statement of Claim (Exhibit-7)** workman Pawar pleaded that initially for the period March '88 to June '90 he was employed by the management Hindustan Petroleum Corporation Ltd. (H.P.C.L) as Driver through one of its Contractor however w.e.f. 2-1-91 he was directly engaged by the H.P.C.L for driving its vehicle and that he was paid wages Rs. 971/- per month, in addition to overtime allowance. It is averred that the workman used to drive Corporation's Jeep No. MH-01-A-2078 and that he used to maintain register in respect of the said vehicle. It is further averred that the workman was directly under the supervision of the Corporation and the contract arrangement if any i.e. M/s. Aries Enterprises, is Sham and bogus, a mere name lender with a view to exploit him and deprive his rights and benefit of permanency. It is averred that the Corporation terminated the workman w.e.f. 8-12-97 without giving him notice pay and retrenchment compensation which amounts to unfair labour practice and against the provisions of the Industrial Disputes Act. It is

the contention of workman that his real employer was Corporation H.P.C.L and that his termination being illegal. Corporation be directed to reinstate him in service with full back wages.

3. Management Corporation resisted the claim of workman by filing Written Statement (Exhibit-9) contending that the workman at no point of time was in its employment and that employer-employee relationship does not exist, consequently terminating the workman from the Corporation does not arise. It is pleaded that workman was the employee of M/s. Aries Enterprises, Contractor having its office at 12, Jawale Building, Bhavani Shankar Road, Dadar, Mumbai-400 028 and that the said contractor is the necessary party, however, it has not been arrayed consequently reference suffers from non-joinder of necessary parties. It is the contention of Corporation that since workman was not in the employment of Corporation and as he was not terminated provisions of Section 25 F do not come into play, consequently reference being devoid of substance, be dismissed with costs in limine.

4. By the Rejoinder (Exhibit-10) workman denied the averments in the Written Statement reiterating the recitals in the Claim Statement.

5. On the basis of pleadings issues were framed at Exhibit-13 and in that context workman Pawar filed affidavit in lieu of Examination-in-Chief (Exhibit-18) and closed oral evidence vide purshis (Exhibit-25). In rebuttal, management filed affidavit of Proprietor of M/s. Aries Enterprises Mr. Ajit K. Joshi (Exhibit-26), Deputy Manager Mr. Anil Kumar Sinha (Exhibit-27) and closed oral evidence vide purshis (Exhibit-31).

6. Workman filed Written Submissions (Exhibit-32) and the management (Exhibit-33). On perusing the record as a whole, written submissions and hearing the counsels for both sides, I record my findings on the following issues for the reasons mentioned below:

Issues	Findings
1. Whether the reference suffers from non-joinder of necessary parties as averred in para. 1 (a) of W.S.?	It suffers from non-joinder of necessary parties however on that ground alone reference cannot be held non-suited.
2. Whether Shri Krishna R. Pawar proves that he is the employee of Hindustan Petroleum Corporation Ltd.?	No
3. Whether the action of the Hindustan Petroleum Corporation Ltd. in dismissing Mr. Krishna R. Pawar w.e.f. 8-12-1997 is legal and proper?	Does not survive.



4. Whether the action of the Hindustan Petroleum Corporation Ltd. in not paying him the legal dues from that date, is legal and proper?
5. What relief the workman is entitled to? As per order below.

### REASONS

7. At the threshold the Learned Counsel Mr. Mhaske inviting attention to the Written Statement [Exhibit-9/para 1 (a)] urged that Pawar was never in the employment of the company and that he was employee of the contractor M/s. Aries Enterprises having its office in Dadar, Mumbai, hence, in the circumstance said contractor is necessary party for complete and final decision of the matter, however, in spite of specific pleading to that effect workman had not made the contractor party, hence, for non-joinder of necessary parties, the reference is not maintainable. The Learned Counsel Shri Sawant for the workman inviting attention to the written submissions (Exhibit-32) submits that it is the case of the workman that he is an employee of the company only and that Central Government vide order (Exhibit-1) clearly pointed out that dispute exists between the management of HPCL and the workman and under the circumstance, question of adding contractor as recited in the written statement does not arise, therefore, the reference is maintainable and that this Tribunal has jurisdiction in width to entertain and adjudicate the same.

8. The law as to who are necessary or proper parties to the proceeding is well settled. In AIR 1963 SC 786 it is pointed out the necessary party is one without whom no order can be made effectively, the proper party is one in whose absence an effective order can be made but whose presence is necessary for the complete and final decision on the question involved in the proceedings. In the case in hand, it is the workman's case that he is the employee of the company, however, that has been negated by the company saying the workman is the employee of M/s. Aries Enterprises, the contractor. Under this circumstance burden shifts on the employer company to point out the same though as per law burden lies on the workman first to prove that he is an employee of the company and that cause of action accrues against it. In this view of the matter M/s. Aries Enterprises contractor is the necessary party, however, only because the said contractor is not made party matter cannot be thrown out of stock. The object of the statute is to ensure social justice to both the employers and employees and advance the progress of industry and regularise the service conditions of the workers. Their Lordships of Apex Court in *Hindustan Antibiotics Ltd. Vs. Their Workmen* AIR 1967 SC 948 ruled:

"The Act is intended not only to make provision for investigation and settlement of Industrial disputes but also to serve industrial peace so that it may result

in more production and improve the national economy. The provisions of the Act have to be interpreted in a manner which advances the object of the legislature contemplated in the statement of objects and reasons. While interpreting different provisions of the Act, attempt should be made to avoid industrial unrest, secure industrial peace and to provide machinery to secure that end."

In the light of the observation, the reference on the ground of non-joinder of M/s. Aries Enterprises Contractor cannot be held to be non-suited, hence, issue No. 1 is answered accordingly.

9. The crucial point in the matter is whether Pawar was in the employment of management Corporation and if yes, whether he was illegally dismissed. According to Pawar from March 1988 to June 1990 he was in the employment of the Corporation as Driver through contractor, however, from 2-1-91 he was directly engaged by the Corporation for driving its vehicle No. MH-01-A-2078 and that he was paid directly by the Corporation from 2-1-91 to 31-12-91 @ Rs. 971 per month in addition to overtime allowance Rs. 10 and vehicle washing allowance Rs. 100 and that from the month of January 1992 till his termination on 8-12-97 Corporation used to pay him per month Rs. 500 as advance against his wages plus Rs. 100 as vehicle washing allowance. He disclosed that he was directly under the supervision of the Corporation for driving its vehicle thereby he was in the employment of the company. Deputy Manager of the Corporation Mr. Sinha negated the same contending that Pawar was employed by M/s. Aries Enterprises, a contractor engaged by the Corporation and that contractor was his employer and not the company. Admittedly Pawar was driving vehicle of HPCL as per the instructions of the officers of HPCL. Relying on the evidence of Deputy Manager Mr. Sinha the Learned Counsel Mr. Sawant for workman submits that Pawar was employee of the Corporation and that documents filed with list (Exhibit-11) are fabricated afterthought, to show the position otherwise. Pawar himself in his cross-examination para 6 admits that he does not possess document to show that he was engaged by the Corporation, all labourers engaged by the contractors are given identity card by the Corporation to enter into the building as security arrangements in the Corporation is strict it being a sensitive industry. Wage extracts filed with list (Exhibit-11) show since 1992 till February 1995 workman was paid wages under vouchers by M/s. Aries Enterprises. At this juncture it is relevant to note that proprietor of the said concern Mr. Joshi clearly pointed out that Pawar was employed by him as Contract Driver for the Corporation during the material period and that he was paid wages by the contractor under the vouchers and that at no point of time he was engaged and paid by HPCL. In this context documents filed with list (Exhibit-11, 23, 24) support the statement of Mr. Joshi which

amply corroborates the theory of Corporation deposed to by Deputy Manager Mr. Sinha. As stated above signature on one document or some documents can said to be forged, but not all the signatures that too on the voluminous documents filed on record. It is settled position of law that one who alleges must prove. When workman Pawar alleges that his signatures showing he was paid wages by the contractor were forged he could have taken steps to prove his genuine signatures, however, that is not done. Only because Pawar was driving vehicle of HPCL on the instructions of the officers of HPCL, employer-employee relationship does not establish. It is seen from the cross-examination of Pawar almost all labourers engaged by the contractor are given identity card to enter in the Corporation being a sensitive industry, if that is so, on the strength of some scarce documents which bear monogram of HPCL hardly relation as above can said to be established. It is, therefore, clear Pawar was not employee of Corporation but the contractor.

10. Workman in his claim statement para 4 recited much on the so-called contract as sham and camouflage and that M/s. Aries Enterprises is the name lender, however he has not whispered to that effect in his affidavit (Exhibit-18). Workman must prove what is pleaded however that is wanting. The Learned Counsel Mr. Sawant inviting attention to the written submissions (Exhibit-32) urged that with a view to exploit the workman, contractor has been posed. However, as stated above except allegations nothing of the sort on record. According to contractor Mr. Joshi, Pawar was engaged by him and that he was paid wages as Driver on the vehicle of Corporation up to date under vouchers filed with list (Exhibit-11) and nothing is due. Under the circumstances, it is crystal clear that workman Pawar was employee of Contractor and not the Corporation. On this background question of reinstatement of workman in the service of Corporation and consequential relief of payment of dues by the Corporation does not arise, and from this point of view workman's claim as a whole, being devoid of substance apt to be dismissed. Consequently, Pawar is not entitled to any relief. Issues are, therefore, answered accordingly and hence the order :

### ORDER

Workman Pawar's claim stands dismissed.

S.N. SAUNDANKAR, Presiding Officer

नई दिल्ली 24 जुलाई, 2003

का.आ. 2358.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार में एंथ्रोसिलेटीड सीमेंट कं. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक

अधिकरण, जयपुर के पंचाट (संदर्भ संख्या 25/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-7-2003 को प्राप्त हुआ था

[सं० एल- 29011/11/2000-आई आर (विविध)]  
बी०एम० डेविड, अवर सचिव

New Delhi, the 24th July, 2003

S.O. 2358.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 25/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Jaipur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Associated Cement Co. and their workmen, which was received by the Central Government on 23-7-2003.

[No. L-29011/11/2000-IR (M)]  
B. M. DAVID, Under Secy.

### ANNEXURE

### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JAIPUR

Case No. CGIT-25/2000.

Reference No. L-29011/11/2000 IR(M)

The President,  
Cement Karamchari Union,  
Lakheri Branch Office, Nayapura,  
Lakheri, Bundi (Rajasthan)

...Applicant-Union

*Versus*

1. M/s. Associated Cement Co.,  
ACC Lakheri,  
Bundi (Rajasthan).
2. M/s. Mansarovar Mineral Co.,  
Jaipur.
3. M/s. Shripra Mineral Co.,  
Jaipur.

(Non-applicants Nos. 2 & 3 through  
their partner, Sh. RL Didi)

..Non-applicants

**Present :**

**Presiding Officer : Sh. R. C. SHARMA**

For the Union : Sh. B. M. Ojha

For the non-applicant No. 1 : Sh. M. D. Aggarwal  
& Sh. Anurag Aggarwal

For the non-applicant Nos. 2 & 3 : Sh. R. L. Didi

Date of Award : 26-6-2003



**AWARD**

1. The Central Government in exercise of the powers conferred under Clause 'D' of Sub-section 1 and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter referred to as the Act) has referred the following industrial dispute for adjudication to this Tribunal which runs as under :

"Whether the 89 workers mentioned in the enclosed statement marked 'X' should be taken on the roll of M/s. A.C.C. Lakheri and regularise them as per the demand of the Union? If yes, to what relief, the concerned workmen are entitled and from what date?"

2. The 89 workmen-members of the applicant-union, as named in the list annexed with the order of reference through the Union have pleaded that the non-applicant No. 1 manufactures the cement for which the limestone is transported from the mines belonging to the company and the staff is shifted from one mine to the another looking to the availability of the limestone. The Union had presented a charter of demands on 28-9-99 before the non-applicant company, thereupon the company closed the mines on 20-12-99 on the false pretext and now the mines are again being run by the company from May-June, 2000. The Union has further stated that the company had asked the contractor to issue the notice dated 20-12-99 Ex. W/2 to the workmen without any sound ground, that the non-applicant company has even not assigned any good ground before the Conciliation Officer in its reply dated 6-1-2000 (Ex. W/3) and that only to overlook the demands made by the Union, the company had closed its mines. The Union has further pleaded that the workmen had worked under the direct control of the supervisors, Sh. Jagdish Singh and Sh. Nathulal Rathore and the Assistant Manager Sh. Tiwari of the company and the work of transportation was conducted by the contractor. It is further stated that the identification cards, which were used for the entry into the mines were issued to the workmen by the non-applicant company, which had been taken back by the officers of the company from the workmen to devoid them from any right which may accrue on account of them. The Conciliation Officer had submitted the failure report (Ex. W/5) before the Competent Government and the closure of the mines by the non-applicant company was not bona fide. The Union, therefore, has claimed that all the workmen, may be declared as the regular employees of the company and they may be taken on the roll of it.

3. The Tribunal vide its order dated 23-1-2001 accepted the submission of the non-applicant to implead Nos. 2 and 3 as the non-applicants in the dispute.

4. The non-applicants have contested the claim filed by the workmen. The non-applicant No. 1 company in its written statement has stated that it obtains the limestone from the mines situated at Sakhauda and Sandal Nalia and

has executed the contracts with M/s. Mansarovar Mineral Company and M/s. Shipra Mineral Company for transportation of the said limestone. The company has further averred that the Union had submitted a charter of demands before the contractor of the M/s. Mansarovar Mineral Company Sh. R. L. Didi wherein the Union had admitted that the workmen are the employees of the contractor and the contractor had even participated in the proceedings conducted before the Conciliation Officer.

5. The company has denied that it had ever engaged the workmen and has stated that they had not worked under the direct control of the company. It has also been pointed out that the contractors, with whom the contract for transportation was executed by the company, are registered under the Contract Labour (Regulation and Abolition) Act. The company has also stated that the workmen were engaged by the non-applicants Nos. 2 and 3 and they had worked under the control of the said contractor with whom there was a privity of contract.

6. Non-applicants Nos. 2 and 3 in their common reply have stated that the applicant-Union had submitted the 24 demands to them, which could not be accepted being unjustified and under these circumstances, the workmen discontinued to work resulting into the closure of the mines. Both the non-applicants have admitted that the contract was executed with them by the non-applicant No. 1 for transportation of the limestone, but the workmen being agitated, discontinued to work on 7-10-99 and thereupon, they had to issue a notice on 20-12-99 for closing the work. It is further stated that the due payment was made by them to the workmen and the workmen used to load the blasted stones into the dumpers and trucks for transporting them. It has also been averred on behalf of these non-applicants that the amount of the Contributory Provident Fund was debited by the contractor and it was deposited by him in favour of the workmen.

7. On the pleadings of the parties, the following points for determination were framed :

- (i) आया निर्देश आदेश में संलग्न श्रमिकगण अप्राथी संख्या-1 के नियोजन में थे ?
- (ii) आया अप्राथी संस्थान के क्लोजर पर निर्देश आदेश के अंतर्गत विचार किया जा सकता है ? यदि हां तो क्या अप्राथी संस्थान के द्वारा श्रमिकों की रीढ़ तोड़ने के लिए गलत रूप से अप्राथी संस्थान के द्वारा क्लोजर किया गया ?
- (iii) आया निर्देश आदेश में वर्णित श्रमिकगण को अप्राथी संख्या 2 व 3 के द्वारा नियोजित किया गया था ? यदि हां तो इसका प्रभाव ?
- (iv) आया कान्ट्रेक्टर (रेगुलेशन एण्ड अबोलिशन) एक्ट के प्रावधानों के अनुसार निर्देश व विवाद चलने योग्य नहीं है ?

- (v) आया निर्देश क्षेत्राधिकार के बाहर है ?
- (vi) आया निर्देश आदेश में वर्णित श्रमिकगण अप्राथी संख्या-1 के रोल पर लिए जाने व नियमित किए जाने के अधिकारी हैं ?
- (vii) श्रमिकगण किस सहायता को प्राप्त करने का अधिकारी है ?

8. On behalf of the applicant-Union, the affidavits of the workmen, viz., Sh. Ram Ratan, Radhey Shyam, Hanif Mohammad, Ram Niwas, Suresh, Ram Prasad, Shyamal Lal and Lalchand Soni have been filed. The non-applicant company has submitted the counter-affidavits of Sh. Jagdish Singh, the mining mate, Sh. M. Kaushik, Manager and Sh. D. S. Rathore, the officer of the mines. On behalf of the non-applicants Nos. 2 and 3, the counter-affidavit of Sh. R.L. Didi, a partner of both the companies has been filed.

9. The applicant-Union has placed on record 12 documents in total, whereas on behalf of the non-applicant No. 1, 29 and on behalf of non-applicant Nos. 2 and 3, three documents have been filed.

10 I have heard both the parties and have gone through the record. The point-wise discussion follows as under :

#### Points No. I and III

11. Since both these points involve the identical facts and questions of law, these are being discussed together hereunder.

12. The Id. representative for the Union contends that the workmen were working with the non-applicant No. 1 since 1-9-90 who used to load the limestones in the trucks from the mines belonging to the non-applicant No. 1 for transporting them to the factory and who were directly engaged by M/s. Associated Cement Company, Lakheri (for short, the Company). He further submits that identity cards Ex. W/9 to W/12 were issued to the workmen which are the examples that they were engaged by the company. They were also allotted the Provident Fund numbers by the company. The officers of the company exercised their supervision over the workmen and the contractor Sh. R.L. Didi has admitted this fact that he had no licence go to the workplace, therefore, it cannot be presumed that he had the supervision over these workmen. His contention is that the said contract between the company and Sh. R.L. Didi is a camouflage.

13. Per contra, the Id. representative for the company has contended that the list of the workmen presented by the Union, which is part and parcel of the reference, shows that the workmen were engaged by the contractor and it is an admitted fact that they were employed through the contractor at the relevant time when they were working under Sh. R.L. Didi. He further contends that the principal employer was bound to deposit the contributions to the

provident fund and the submission made by the Id. representative for the Union that they were working since 1990 with the company is not mentioned anywhere in the claim. He submits that no relationship of employer and employees between the workmen and the company exists. He has pointed out that the payment to the workmen was made by Sh. Satyanarayan, a clerk to the contractor Sh. R.L. Didi and this fact has been admitted by the witnesses of the Union. The Id. representative relying upon the documents placed on the record on behalf of the company has further argued that the charter of demands was addressed to the contractor by the Union and the contract entered into between the company and the contractor Sh. R.L. Didi is a genuine one which contains the full particulars of the contract.

14. On behalf of the non-applicants no. 2 & 3, Sh. R. L. Didi has put his appearance in person, who has adopted the same stand as adopted by the non-applicant company.

15. I have given my anxious consideration the rival contentions and have gone through the judicial pronouncements referred to by both the Id. representatives.

16. The Id. representative for the Union, in support of his submission that there exists a relationship of employer and employees between the workmen and the company, has relied upon AIR 1978 SC 1410; 1995 LLR SC 552; 2001 Lab IC Jharkhand 3273 & 1999 LLR Allahabad 1220.

17. In AIR 1978 SC 1410, the Hon'ble Court has enunciated the principle which runs as under: -

"The true test may, with brevity, be indicated once again. Where a worker or group of workers labours to produce goods or services and these goods or services are for the business of another, that other is, in fact, the employer. He has economic control over the workers' subsistence, skill, and continued employment. If he, for any reason, chokes off, the worker is virtually, laid off. The presence of intermediate contractors with whom alone the workers have immediate or direct relationship ex contractu is of no consequence when, on lifting the veil or looking at the conspectus of factors governing employment, we discern the naked truth, though draped in different perfect paper arrangement, that the real employer is the Management, not the immediate contractor. Myriad devices, half-ridden in fold after fold of legal form depending on the degree of concealment needed, the type of industry, the local conditions and the like, may be resorted to when labour legislation casts welfare obligations on the real employer, based on Arts. 38, 39, 42, 43 and 43-A of the Constitution. The court must be astute to avoid the mischief and achieve the purpose of the law and not be misled by the maya of legal appearances."

18. In this context, it is an admitted position amongst the litigating parties that the final authority on the point is

the decision in the Steel Authority of India's case rendered by the Hon'ble Supreme Court and reported in (2201) 7 SCC 1, which has been relied upon by the parties. The Hon'ble Supreme Court has followed the principle *supra* in this case also and has dealt with the issue as to whether on a contractor engaging contract labour in connection with the work entrusted to him by a principal employer, the relationship of master and servant between him, the principal employer and the contract labour emerges. The Hon'ble Court has observed as under :—

"Where a workman is hired in or in connection with the work of an establishment by the principal employer through a contractor, he merely acts as an agent so there will be master-and-servant relationship between the principal employer and the workman. But where a workman is hired in or in connection with the work of an establishment by a contractor, either because he has undertaken to produce a given result for the establishment or because he supplies workmen for any work of the establishment, a question might arise whether the contractor is a mere camouflage as in *Jussainbhai* case and in *Indian Petrochemicals Corpn. Case* etc.; if the answer is in the affirmative, the workman will be in fact an employee of the principal employer; but if the answer is in the negative, the workman will be a contract labour."

19. Views further expressed in this context by the Hon'ble Apex Court may be noticed at para 41.

20. It is in the light of these observations made by the Hon'ble Apex Court that the points in issue under this title are to be analyzed and adjudicated.

21. The pivotal question which now arises for consideration is as to whether the relationship of employer and employees between the members of the Union i.e. 89 workmen whose names find place in the list, and the company existed on account of the privity of the contract or not and whether the contracts Ex. M/3 and M/5 are camouflage?

22. So far as the period of work in question is considered, the Union has not specifically mentioned in its statement of claim as to from which period the workmen were performing the work with the company. However, from a perusal of the statement of claims, it appears that the relevant period of work pertains to the year 1998-99. The company has submitted the contracts Ex. M/3 and M/5 which are executed between the company and the contractor. Contract Ex. M/3 was executed on 25-7-98, whereas contract Ex. M/5 was entered into between both the parties on 30-6-99. Under both the contracts, as per their terms, the work for quarrying, excavation and transportation of limestone from Sandal Nalia mines were awarded to the contractor having the description of its quantity, quality and the validity of the contract. It also contains the rates and the other necessary conditions. Ex. M/3 was executed for the period from 1-1-98 to 31-7-2000 and Ex. M/5 for the period from 21-5-99 to 20-5-2000. The Id. representative on behalf of the Union could not be able to

point out any fact on which it can be stated that both these contracts appear to be sham or the bogus contracts.

23. The work was taken from the workmen as per the items of work contained in the contracts Ex. M/3 and M/5. This fact is not in disputed and is admitted by the witnesses adduced on behalf of the Union as well as deposed by RL Didi in evidence. So far as the supervision over the workmen is concerned, it is alleged on behalf of the Union that it was exercised by the officers belonging to the company, whereas it has been denied on the part of the company. On behalf of the company, Ex. M/14, the attendance register of the employees of the company has been placed on the record to show that it contains the names of the employees engaged by the company, wherein no name of the workmen finds place. Similarly, the company has also placed on record the wage sheets Ex. M-12 to M-13 bearing the names of the employees employed by the company, which, too have not the names of the workmen in question. On this ground, it has been emphasized by the Id. representative for the company that the effective control over the workmen vested in the contractor, who employed them and not with the company. Had these workmen engaged by the company directly, their names could have been entered into the attendance register maintained by the company. This submission made on behalf of the Id. representative remains uncontroverted on the part of the Union. Besides, the workmen Sh. Suresh and Radhey Shyam in their cross-examination have admitted that the attendance of the workmen were used to be marked by Sh. Satyanarayan Saini, who was admittedly a clerk/assistant to the contractor RL Didi.

24. It has further been contended on behalf of the Union that the identity cards were issued by the company to the workmen, e.g. Ex. W/7 to Ex. W/12 were issued to the workmen in question, which show that they were put directly under the control and supervision of the company. It is further alleged that the cards were taken back by the company to deprive them their due right. In this context, it has been stated by the Id. representative for the company that the company issues the token numbers to its workers, but if anybody enters into the mine then identity card is being issued to him and since these workmen had to enter into the mines, who were not the employees of the company, the identity cards were issued to them by the company. He further points out that identity card Ex. W/8 bears the stamp of Mansarovar Mineral Company. The contention of the Id. representative for the company, therefore, seems to be justified that these identity cards were issued to the workmen being the strangers, who had to enter into the mines to perform the work undertaken by the contractor and this factum does not establish any kind of direct relationship between them and the company. The bearing of the stamp for Mansarovar Mineral Company on the identity card Ex. W/8 suggests that the workers belonged to the contractor and not to the company the company has examined Jagdish Singh, the mining mate; M Kaushik,

Manager and DS Rathore, officer of mines, who could not be shaken on this point in their cross-examination respectively. Thus, this submission advanced by the Id. representative for the Union is found to be meritless and is rejected.

25. Now comes up the point of economic control over the workmen. The submission on behalf of the Union is that the workmen were paid by the company whereas on behalf of the company it has been stated that they paid the contract amount to the contractor, who disbursed the wages to the workmen. The Union has filed the affidavits of the workmen, viz., Ram Ratan, Radhey Shyam, Ram Niwas, Suresh, Ram Prasad, Shrawan Lal and Lalchand Saini. In the cross-examination except that of Ram Ratan, all these witnesses have admitted this fact that the payment of wages to them was made by Satyanarayan Saini. In this regard, the company has exhibited the receipts of payment Ex. M/7 to M/28 made by the contractor to the workers in lieu of the compensation, which is an admitted fact. Thus, as per the version of the workmen, the economic control over them appears to have been vested with the contractor and not with the company.

26. Then it has also been contended on behalf of the Union that the list of the workmen also bears the provident fund numbers opposite the names of the workmen, which were allotted to them and the said amount was deducted by the company. The Id. representative for the company has sought to controvert this contention by stating that under the Employees Provident Fund and Miscellaneous Provisions Act, 1952, the company was bound to deduct the said amount and on this ground alone, it cannot be presumed that the workmen were the direct employees of the company. The Id. representative has further invited my attention towards the provision contained under Section 2(f) which defines the employee under the Act and includes any person "employed by or through a contractor or in connection with the work of the establishment." Therefore, in view of this provision, it cannot be presumed simply on this factor that the workmen were directly engaged by the company. It even extends to the employees engaged through a contractor in connection with the work of the establishment. Hence, this contention raised on behalf of the Id. representative for the workmen is not tenable.

27. The Id. representative for the Union has further submitted that Sh. RL Didi has admitted in his cross-examination that he has no licence of being a contractor and, therefore, the Id. representative stresses upon that in such a case, the workmen engaged by him who had discharged their work with the company, would not be treated as the contract labour but would be treated as the employees of the company. In this regard, he has relied upon II LLN 1985 Madras 169 wherein it has been held that in case the contractor had not the valid licence, the workmen could not be the contract labour. On the other hand, the Id.

representative for the company has pointed out that the company has got the registration certificate issued by the Ministry of Labour in its favour to engage the contractor and if the contractor has no licence, then the Union could take steps for penalising him under the provision of the Act.

28. I have considered this aspect of the contention also. Section 48 of the Contract Labour (Regulation and Abolition) Act, 1970 (for short, CLRA Act) lays down as under :—

"Registration of petitioner employer or licensing of contractor under the Act will only regulate the employment of contract labour in certain industries which would have been illegal but for the Act, but they do not afford any immunity to the principal employer from the provisions of the ID Act in industrial disputes between the petitioner employer and the workmen employed by its contractor.

An invalid registration certificate or an invalid licence or failure to obtain a registration certificate or licence will attract penal consequences of Section 23 of the Act. But the workmen employed by the contractor enjoy all the rights under the ID Act whether their employment as Contract Labour is regular or irregular under the Act."

29. As is evident from the perusal of the record that the company has got a registration certificate under the Act to regulate the employment of contract labour and if the contractor has got no licence or an invalid licence, then it will attract the penal consequence under the Act and the action can be taken against him separately. The Id. representative for the company while controverting the submission of the Union raised in this behalf has invited my attention towards the observation made by the Hon'ble Apex Court in this regard in the Steel Authority of India's case wherein the honon'ble Court has overruled the views taken in II LLN 1985 Madras 169 and it runs as under :—

"In Dena Nath case a two-Judge bench of this Court considered the question, whether as a consequence of non-compliance with Sections 7 and 12 of the CLRA Act by the principal employer and the licensee respectively, the contract labour employed by the principal employer would become the employees of the principal employer. Having noticed the observation of the three-Judge Bench of this Court in Standard Vacuum case and having pointed out that the guidelines enumerated in Sub-section (2) of Section 10 of the Act are practically based on the guidelines given by the Tribunal in the said case, it was held that the only consequence was the penal provisions under Sections 23 and 25 as envisaged under the CLRA Act and that merely because the contractor or the employer had violated any provision of the Act or the Rules, the High Court in proceedings under Article 226 of the Constitution could not issue any mandamus for deeming the contract labour

as having become the employees of the principal employer. This Court thus resolved the conflict of opinions on the said question among various High Courts. It was further held that neither the Act nor the Rules framed by the Central Government or by any appropriate Government provided that upon abolition of the contract labour, the labourers would be, directly absorbed by the principal employer."

30. Hence, the submission made on behalf of the Union remains no more tenable and is rejected.

31. Apart these factors, the other facts which lead to show that the workmen were engaged by the contractor are exhibited in Ex. W/1, the charter of demands and the list of the workmen annexed with the order of the reference. The charter of demands Ex. W/1 is not addressed to the company, but it is addressed to the Vice-President, ACC Works, Lakheri. The list of the workmen annexed with the order of the reference, which is undisputedly prepared by the Union, contains the description of their employment opposite the names of the workmen by the contractor RL Didi. This fact stands un rebutted and no reasons could be assigned on behalf of the Union as to why this description was introduced in the list of the workmen prepared at the level of the Union.

32. For the foregoing reasons, it is well-proved that the workmen were engaged by the contractor and no relationship of the employer and the employees existed between them and the company. The contracts Ex. M/3 and M/5 executed between the company and the contractor RL Didi do not appear to be the camouflage or sham contracts. Thus, points no. 1 & 3 are decided against the Union and in favour of the non-applicants.

#### Point No. II

33. The Id. representative for the Union has argued that the mines were closed on account of the issuance of the notices (Ex. M/25 & Ex. M/26) issued by the contractor at the instance of the company. This fact has been denied on behalf of the company and the Id. representative for the company submits that when the workmen refused to work, the contractor was compelled to issue the notices Ex. M/25 & Ex. M/26 on 25-12-99 and to request the workers to take away their dues. However, this issue of closure of the mines is not contained in the terms of the reference and it would be travelling beyond the jurisdiction of the reference to adjudicate this aspect of the matter. Moreover, the Id. representative for the Union could not be able to satisfy as to why this issue is necessary to determine the question of regularization of the workmen as directed by the order of the reference. Hence, this issue, in my considered opinion, appears to be unnecessary to answer the reference and this has no concern with it in this case. It is accordingly disposed of.

#### Point's No. IV & V

34. The point which comes up for consideration under this title is as to whether in accordance with the provisions

of Section 10 of the CLRA Act, the dispute is not maintainable and accordingly the reference falls outside the jurisdiction of this Tribunal.

35. The Id. representative for the Union, contends that the workmen were directly engaged by the company and, therefore, they are the employees of the company and hence, the compliance of Section 10 of the CLRA Act is not necessary. On the other hand, on behalf of the company it has been contended that the workmen were employed by the contractor and there is no relationship of employer and employees between the workmen and the company. It has been, therefore, contended that since these workmen are the contract labour, a recourse under Section 10 of the CLRA Act ought to have been adopted before referring the dispute to the Tribunal.

36. Section 10(1) of the CLRA Act runs as under:—

"Notwithstanding anything contained in this Act, the appropriate Government may, after consultation with the Central Board, or as the case may be, a State Board, prohibit by notification in the Official Gazette, employment of contract labour in any process, operation or other work in any establishment."

37. The Id. representative for the Union has relied upon the decision reported in 1995 LLR SC 552 and has drawn my attention towards the observation made about the contract which is quoted as below:—

"Where it is not genuine, the workmen of the so called contractors themselves can raise a dispute for a declaration that they are in fact the employees of the principal employer. In either case, on the basis of the well-known factors laid down by the judicial decisions to establish the relationship of the employer and the employee between the parties, the Tribunal or the Court, as the case may be, will have jurisdiction to declare the contract labourers as the direct employees of the principal employer and grant consequential reliefs."

38. As stated and noticed above, the latest judicial pronouncement of the Hon'ble Supreme Court on this point is reported in (2001) 7 SCC 1 in the matter of the Steel Authority of India's case. The Hon'ble Supreme Court has considered at para 65 of the judgment that whether the concept of automatic absorption of the contract labour in the establishment of principal employer on issuance of the abolition notification is employed under Section 10 CLRA Act and has answered at para 89 that "in the light of above discussion we are unable to perceive in Section 10 any implicit requirement of automatic absorption of contract labour by the principal employer in the establishment concerned on issuance of notification by the appropriate Government under Section 10(1) prohibiting employment of contract labour in a given establishment."



39. The Hon'ble Supreme Court in the decision *supra* at para 107 has observed against its views as under:—

“An analysis of the cases, discussed above, shows that they fall in three classes: (i) where contract labour is engaged in or in connection with the work of an establishment and employment of contract labour is prohibited either because the industrial adjudicator/court ordered abolition of contract labour or because the appropriate Government issued notification under Section 10(1) of the CLRA Act, no automatic absorption of the contract labour working in the establishment was ordered; (ii) where the contract was found to be a sham and nominal, rather a camouflage, in which case the contract labour working in the establishment of the principal employer were held, in fact and in reality, the employees of the principal employer himself. Indeed, such cases do not relate to abolition of contract labour but present instances wherein the Court pierced the veil and declared the correct position as a fact at the stage after employment of contract labour stood prohibited; (iii) where in discharge of a statutory obligation of maintaining a canteen in an establishment the principal employer availed the services of a contractor the courts have held that the contract labour would indeed be the employees of the principal employer.”

40. The Hon'ble Apex Court has further held as under:—

“Neither Section 10 of the CLRA Act nor any other provision in the Act, whether expressly or by necessary implication, provides for automatic absorption of contract labour on issuing a notification by the appropriate government under sub-section (1) of Section 10, prohibiting employment of contract labour, in any process, operation or other work in any establishment. Consequently the principal employer cannot be required to order absorption of the contract labour working in the establishment is concerned.”

41. Then the Hon'ble Court has observed as below:—

“On issuance of prohibition notification under Section 10(1) of the CLRA Act prohibiting employment of contract labour or otherwise, in an industrial dispute brought before it by any contract labour in regard to conditions of service, the industrial adjudicator will have to consider the question whether the contractor has been interposed either on the ground of having undertaken to produce any given result for the establishment or for supply of contract labour for work of the establishment under a genuine contract or is a mere ruse/camouflage to evade compliance with various beneficial legislations so as to deprive the workers of the benefit thereunder. If the contract is found to be not genuine but a mere camouflage, the so-called contract labour will have to be treated as employees of the principal employer who shall be directed to regularize the services of the contract labour in the establishment concerned subject to the conditions as may be specified by it for that purpose in the light of para 6 hereunder.”

42. Thus, the whole procedure in both the cases where the contract has been found to be genuine or otherwise have been indicated by the Hon'ble Court under the aforequoted observations. In the present case, under points no. 1 & 3, a conclusion has been arrived at that the contracts Ex. M/3 and M/5 are the genuine contracts which were entered into between the company and the contractor. Under such circumstances, under Section 10 of the CLRA Act, the matter ought to have been referred to the appropriate Government for issuance of the notification and only then it could be referred to the Industrial Tribunal for adjudication. Since these steps have not been taken, the reference at hand falls beyond the jurisdiction of the Tribunal. The contention raised on behalf of the company finds support from the judicial pronouncement reported in the matter of Steel Authority of India's case. The Id. representative for the company in support of his contention has also placed on record the copies of the unreported judgments delivered by the Rajasthan High Court in the cases of DCM Ltd. Vs. State of Rajasthan decided on 26-12-90 and DCM Ltd. Vs. State of Rajasthan decided on 22-10-99 which fortify the submission made on behalf of the company. Accordingly, points no. 4 & 5 are decided in favour of the company and against the Union.

#### Points No. VI & VII

43. Both these points relate to the relief claimed by the Union. Since point no. I, III, IV & V have been decided against the Union and in favour of the company, the workmen are not entitled to get the relief claimed for.

44. On the foregoing reasons, the reference is answered in the negative against the applicant-Union and it is held that the 89 workers, named in the list marked 'X', are not entitled to be taken on the roll of M/s ACC Lakheri and for their regularization. The award is passed in these terms accordingly.

R. C. SHARMA, Presiding Officer

नई दिल्ली, 24 जुलाई, 2003

का. आ. 2359.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम.पी. स्टेट माइनिंग कॉर्पोरेशन के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या 215/89) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-7-2003 को प्राप्त हुआ था।

[सं० एल- 29011/18/88-डी.(3)/बी.-आईआर.  
(विविध)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 24th July, 2003

S. O. 2359.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.215/89) of the Central Government Industrial Tribunal-Labour Court, Jabalpur as shown in the Annexure in the Industrial

Dispute between the employers in relation to the management of M.P. State Mining Corporation and their workman, which was received by the Central Government on 23-07-2003.

[No. L-29011/18/88-D(3)B.-I.R. (M)]

B. M. DAVID, Under Secy.

### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

CASE NO. CGIT/LC/R/215/89

PRESIDING OFFICER: Shri R. K. Dubey

The General Secretary,  
Satna Stone & Lime Workers Union,  
79/10, Krishna Nagar,  
Satna (MP)

....Applicant.

Vs.

The Managing Director,  
MP State Mining Corporation,  
Plot No. 229,  
Zone-I, Maharana Pratap Nagar,  
Bhopal.

....Non-applicant.

### AWARD

Passed on this 26th day of June, 2003

1. The Government of India, Ministry of Labour vide order No. L-29011/18/88-D-3(B) dated 19-4-90 has referred the following dispute for adjudication by this tribunal :—

1. “क्या सतना स्टोन एंड लाईम वर्कर्स यूनियन, सतना द्वारा की गई मांग कि समस्त दैनिक वेतन भोगी कर्मचारियों को जो कि एम.पी. स्टेट माइनिंग कॉर्पोरेशन, भोपाल के तहत खदानों में कार्य करते हैं, उन्हें नियमित कर्मचारियों को दिये जाने वाले वेतन के समान ही वेतन दिया जाना चाहिये, जायज है। यदि हाँ, तो संबंधित कर्मकार किस अनुतोष के हकदार हैं।”

2. “क्या सतना स्टोन एंड लाईम वर्कर्स यूनियन, सतना द्वारा प्रबंधतंत्र एम.पी. स्टेट माइनिंग कॉर्पोरेशन, भोपाल को जब एनालिसीस के आधार पर वेतनमान दिये जाने की मांग जायज है। यदि हाँ, तो संबंधित श्रमिक किस अनुतोष के हकदार हैं।”

3. “क्या सतना स्टोन एंड लाईम वर्कर्स यूनियन, सतना द्वारा एम.पी. स्टेट माइनिंग कॉर्पोरेशन, भोपाल के प्रबंधकों द्वारा खान में कार्य कर रहे पीस रेटेड कर्मचारियों के लिये उसी श्रेणी के नियमित

कामगारों को दिये जाने वाले नियमित वेतन के अनुसार वेतन की मांग करना उचित है। यदि हाँ, तो संबंधित श्रमिक किस अनुतोष के हकदार हैं।”

2. During the pendency of the reference, workman Shri Sanjeev Kumar for himself and from all other workman with his power of Attorney filed an application that the management is ready to pay the workman gratuity and all other amount. The management is also ready for the facility of Provident Fund and Pension etc. Therefore No Dispute remains with the management hence No Dispute Award be passed by the tribunal.

3. Applicant Sanjeev Kumar was identified by Shri Sajid Akhtar, Advocate. All the other workmen prepared a power of Attorney and authorise Applicant Sanjeev Kumar to act on their behalf. I peruse the application. Application filed by the workman appears to be legal and in the interest of the workman. Therefore the application filed by the workman is accepted. Since no dispute remains among the parties therefore No Dispute Award in this case is passed.

R. K. DUBEY, Presiding Officer

नई दिल्ली, 24 जुलाई, 2003

का. आ. 2360.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, भारत पेट्रोलियम कॉर्पो. लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण मुंबई नं. 2 के पंचाट (संदर्भ संख्या 142/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-7-2003 को प्राप्त हुआ था।

[ सं० एल- 30012/15/99-आई.आर. (विविध) ]

बी०एम० डेविड, अवर सचिव

New Delhi, the 24th July, 2003

S. O. 2360.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 142/99) of the Central Government Industrial Tribunal-cum-Labour Court Mumbai No. 2 as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bharat Petroleum Corporation Ltd. and their workman, which was received by the Central Government on 23-07-2003.

[No. L-30012/15/99-IR(M)]

B. M. DAVID, Under Secy.

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL No.2 MUMBAI****PRESENT : S.N.SAUNDANKAR, Presiding Officer****REFERENCE No. CGIT-2/142 of 1999****EMPLOYERS IN RELATION TO THE MANAGEMENT  
OF****BHARAT PETROLEUM CORPORATION LTD.,  
MUMBAI**The General Secretary,  
Bharat Petroleum Corpn. Ltd.,  
Bharat Bhavan,  
4 & 6, Currimbhoy Road,  
Ballard Estate,  
MUMBAI-400001.**AND****THEIR WORKMEN**The Secretary General,  
Petroleum Employees Union,  
Tel-Rasayan Bhavan,  
Tilak Road, Dadar,  
MUMBAI.**APPEARANCES:****FOR THE EMPLOYER : Mr. R.S. Pai,**  
Advocate.**FOR THE WORKMEN : Mr. M.B. Anchan,**  
Advocate.

Mumbai, dated 30th May, 2003

**AWARD PART-II**

By the interim Award dated 23<sup>rd</sup> July 2002 this Tribunal held that the domestic inquiry conducted against the workman Omkarnath Singh was as per the principles of natural justice and the findings of the Inquiry Officer are not perverse. Consequently, the only point as to whether the punishment imposed on the workman in demoting him from Grade-VIII to Grade-III is justified or not in the context of the action of the management remains for the consideration of this Tribunal. Workman was demoted by the management based on the proved charges of securing pecuniary advantage in a fraudulent manner deliberately showing false travel expenses, taking illegal gratification, using official position in the Corporation for his personal gain and committing acts subversive of discipline. According to the workman imposed punishment of demotion is disproportionate. Management's contention is that considering the proved charges in the domestic industry as above, in the sensitive industry like Corporation

where absolute devotion, diligence, integrity and honesty needs to be preserved by every employee, the imposed punishment is not at all disproportionate.

2. Both the parties vide purshis Exhibit-21 did not lead oral evidence. Union/Workman filed written submissions (Exhibit-22). On perusing the record and hearing the counsel, I record my findings on the issues for the reasons mentioned below:

Issues	Findings
3. Whether the action of the management in demoting Omkarnath Singh from Grade-VIII to Grade-III is justified?	Yes.
4. If not, to what relief the workman is entitled to?	As per order below.

**REASONS**

3. At the outset the Learned Counsel Mr. Anchan for the union urge that this Tribunal is empowered to look the propriety/legality of the order passed by the employer under the Standing Orders as per Second Schedule of the Industrial Disputes Act 1947. He submit that the management Corporation demoted the workman from Grade-VIII to III i.e. Clerk to Peon (Assistant to Attendant) is in gross violation of Standing Orders and that under the Schedule of the Act this Tribunal can interfere with the said managerial order. The Learned Counsel Mr. Pai submitted that the punishment imposed, cannot be interfered by the Tribunal being not the dismissal, discharge, termination under amending Section 11-A of the Industrial Disputes Act. He submits since enquiry held proper thereby misconduct has been proved and that punishment imposed does not fall under Section 11-A of the I.D. Act. Tribunal has no jurisdiction to interfere the same. He urged that Industrial Tribunal should be very careful before it interferes with the orders made in the capacity of managerial functions, unless there is sufficient and proper evidence to reach to the finding of malafides, relying on the decision in Syndicate Bank Ltd. V/s. Its Workmen, 1996 II LLJ pg. 440. On the other hand, Mr. Anchan submitted that error on the part of the management imposing punishment can be corrected by the Tribunal as held in M/s. Hind Construction Engineering Co. Ltd. V/s. Their Workmen, AIR 1965 SC 917.

4. So far as powers under Section 11-A His Lordship of Bombay High Court in USV Ltd. V/s. Maharashtra General Kamgar Union & Anr., 1997 (II)CLR 312 observed in para. 5 :

"In Christian Medical College Hospital Employees' Union & Anr. v. Christian Medical College, Vellore Association & Ors. the Apex Court after considering its earlier judgment in



*Indian Iron & Steel Co. Ltd. v. Their Workmen*, AIR 1958 SC 130 observed that the powers of an Industrial Tribunal to interfere in cases of dismissal of a workman by the management are not unlimited and the Tribunal does not act as Court of appeal and substitute its own judgment for that of the management. The Tribunal will interfere (a) where there is want of good faith; (b) when there is victimization or unfair labour practice; (c) when the management has been guilty of the basic error or violation of the principles of natural justice; and (d) when on the materials before the Court the finding is completely baseless or perverse. Emphasis of the Apex Court was that the Industrial Tribunal or the Labour Court cannot function arbitrarily and interfere with every decision of the management as regards dismissal or discharge of a workman arrived at in a disciplinary enquiry. The power under Section 11-A has to be exercised judicially and the Industrial Tribunal or the Labour Court is expected to interfere with the decision of the management under Section 11-A of the Act only when it is satisfied that the punishment imposed by the management was highly disproportionate to the degree of guilt of the workman concerned. The Industrial Tribunal or for that matter the Labour Court has to give justifiable reasons for its decision. The power which section 11-A has conferred upon the Industrial Tribunal or the Labour Court to substitute a lesser punishment in lieu of the order of discharge or dismissal has to be exercised judicially and in accordance with the well settled judicial principles and could not have any colour of arbitrariness nor could be based on fanciful reasons. A three Judge Bench of the Apex Court in *Kerala Solvent Extractions Ltd.* deprecated the increasing tendency of interference by the Labour Court or Tribunal on the question of punishment based on sympathy and extraneous considerations. The Apex Court thus observed:-

"In recent times, there is an increasing evidence of this, perhaps well meant, but wholly unsustainable, tendency towards a denudation of the legitimacy of judicial reasoning and process. The reliefs granted by the Courts must be seen to be logical and tenable within the framework of the law and should not incur and justify the criticism that the jurisdiction of the Courts tends to degenerate into misplaced sympathy, generosity and private benevolence. It is essential to maintain the integrity of legal reasoning and the legitimacy of the conclusions. They must emanate logically from the legal findings and the judicial

results must be seen to be principled and supportable on those findings. Expansive judicial mood of mistaken and misplaced compassion at the expense of the legitimacy of the process will eventually lead to mutually irreconcilable situations and denude the judicial process of its dignity, authority, predictability and respectability."

In the case in hand, the punishment imposed by the management Corporation is demoting workman Shri Singh from Grade-VIII to Grade-III. Section 11-A as stated above deals with dismissal/discharge/termination, therefore, going through the record as a whole and the observations in the case cited above, this Tribunal cannot interfere with the punishment imposed supra, consequently, the same will have to be said as justified resultantly workman Singh is not entitled to any relief. Issues are answered accordingly and hence the order :

#### ORDER

The action of the management of Bharat Petroleum Corporation Ltd, Mumbai in demoting Shri Omkarnath Singh from Grade VIII to Grade III is justified.

S. N. SAUNDANKAR, Presiding Officer

नई दिल्ली, 24 जुलाई, 2003

का. आ. 2361.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै० मिनरल ट्रेडिंग सिंडिकेट के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण भुवनेश्वर के पंचाट (संदर्भ संख्या 129/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-7-2003 को प्राप्त हुआ था।

[सं० एल- 26012/12/2002-आई.आर. (विविध) ]

बी.एम. डेविड, अवर सचिव

New Delhi, the 24th July, 2003

S. O. 2361.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 129/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Mineral Trading Syndicate and their workman, which was received by the Central Government on 23-07-2003.

[No. L-26012/12/2002-IR(M)]

B. M. DAVID, Under Secy.

**ANNEXURE****CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT  
BHUBANESWAR****PRESENT:**

Shri S.K. Dhal, OSJS, (Sr. Branch),  
Presiding Officer, C.G.I.T.-cum-Labour Court,  
Bhubaneswar.

**INDUSTRIAL DISPUTE CASE NO. 129/2002**

**Date of conclusion of hearing—30th June, 2003**

**Date of Passing Award—4th July, 2003**

**BETWEEN:**

The Management of  
M/s. Mineral Trading  
Syndicate, Bhulbeda Iron Mines,  
At/PO. Barbil, Dist. Keonjhar. ...1st Party-  
Management.

**AND**

Their Workman Shri Lochan Naik,  
At. Hariharpur, P.O. Dhabakuchida,  
Via. Champua, Keonjhar, Orissa. ...2nd Party-  
Workman.

**APPEARANCES:**

None. ... For the 1st  
Party-  
Management.

None. ...For (the 2nd  
Party-Workman.

**AWARD**

The Government of India in the Ministry of Labour in  
exercise of powers conferred by Clause (d) of Sub-section

(1) and Sub-section 2(A) of Section 10 of the Industrial  
Disputes Act, 1947 (14 of 1947) have referred the following  
dispute for adjudication vide their Order No. L-26012/12/  
2002/TR (M), dated 13-11-2002:—

“Whether the action of the Management of  
M/s. Mineral Trading Syndicate, Bhulbeda and  
Ranga Iron Mines, At/PO. Barbil, Dist. Keonjhar  
in terminating the services of Shri Lochan Naik &  
143 others (list enclosed) from 11.6.1999 without  
serving proper notice and without complying the  
provisions of Industrial Disputes Act, 1947 is  
justified? If not, what relief the workmen are  
entitled to?”

2. On receipt of the copy of the reference from the  
Government of India this Tribunal issued notice to the 2nd  
Party to appear and to file the Claim Statement in support  
of their case. But on receipt of notice no step has been  
taken by the 2nd Party, no Claim Statement has been filed.  
So, the question of issuing notice to the 1st Party-  
Management for filing of the Written Statement does not  
arise.

3. The dispute has been raised at the instance of the  
2nd Party. So, the initial onus lies on him to place the  
materials before the Tribunal in support of his case. In this  
case no materials have been placed by the 2nd Party, so it  
can not be said that the action of the 1st Party-Management  
of M/s. Mineral Trading Syndicate, Bhulbeda and Ranga  
Iron Mines, At/PO. Barbil, Dist. Keonjhar in terminating  
the services of Shri Lochan Naik & 143 others from 11.6.1999  
without serving proper notice and without complying the  
provisions of the Industrial Disputes Act, 1947 is  
unjustified. In that case, the workmen are not entitled for  
any relief.

4. Reference is answered accordingly.

Dictated & Corrected by me.

S. K. DHAL, Presiding Officer